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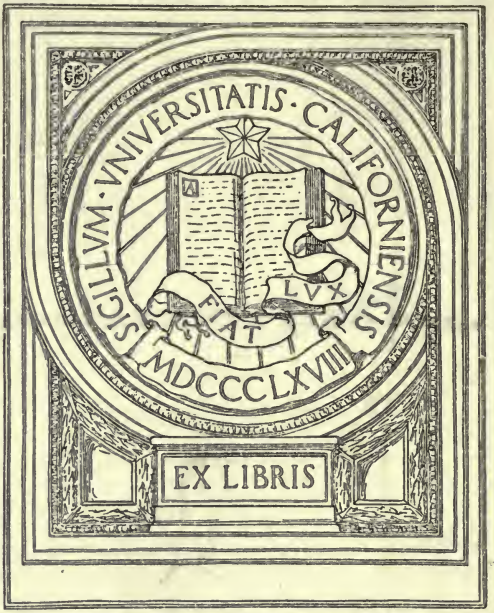

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U.S. Judge-advocate-general's dept. (Army)

MILITARY RESERVATIONS,

UNIV. OF CALIFORNIA

NATIONAL MILITARY PARKS,

AND

NATIONAL CEMETERIES.

TITLE AND JURISDICTION.

PREPARED IN THE JUDGE-ADVOCATE-GENERAL'S OFFICE
BY
JAMES B. McCRELLIS.

WASHINGTON:
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1898.

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1898

EXCHANGE

MILITARY RESERVATIONS, NATIONAL MILITARY PARKS, AND NATIONAL CEMETERIES.

NOTE.—For authorities upon the subjects of "Eminent Domain," "Jurisdiction," "Taxation," and "Title," see Appendix.

ALABAMA.

CEDAR POINT.

This reservation contains 296.5 acres; is at the entrance of Mobile Bay, and embraces the small island between the North Point of Dauphin Island and Cedar Point, and so much of Cedar Point as lies in fractional sections 25 and 26 of Township 8, South of Range 2 West.

It was reserved for military purposes by Executive Order, dated February 9, 1842, and jurisdiction was ceded to the United States by an act of the State Legislature, approved December 1, 1837, providing as follows:

"That the jurisdiction of this State, within and over all Forts and Arsenals that may be established and erected by the United States within the limits of this State, shall be, and the same is hereby, ceded to the United States, so far as the walls or permanent enclosures of the same shall extend and no further."

FORT GAINES.

This reservation contains about 983.9 acres, and is situated on the eastern end of Dauphin Island, in Mobile County.

It was acquired by condemnation under final decree of the Court of Chancery for the First District of the Southern Chancery Division of the State of Alabama, made January 20, 1853.

Jurisdiction over the reservation was acquired under Act of the State Legislature, approved January 28, 1848, and deed of the Governor, dated November 25, 1853, ceding "exclusive jurisdiction" under section 3 of said act for the purposes stated in section 1 of the act—the jurisdiction to be "in all respects such as is contemplated by the terms and conditions of the act."

The act, so far as it relates to jurisdiction, is as follows:

"SECTION 1. *Be it enacted, etc.*, That the United States be, and they are hereby authorized and empowered to purchase, acquire, hold, own, occupy, and possess such land or lands, within the limits of this State, as they shall adjudge it expedient, and shall seek to occupy and hold as sites on which to erect and maintain Forts, Magazines, Arsenals,

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dockyards, and other needful buildings, or any of them, as contemplated and provided in the United States; said purchase to be effected either by contract with the owner or owners of said land, or lands, or in the manner hereinafter provided."

(Sec. 2 provides for acquiring title by condemnation.)

"SEC. 3. *Be it further enacted*, That whenever the United States shall contract for, purchase or acquire any land or lands, within the limits of this State, for the purposes aforesaid, in either of the modes above mentioned and provided, and shall desire to acquire constitutional jurisdiction over said land or lands for said purposes, it shall and may be lawful for the Governor of this State, upon application made to him in writing, on behalf of the United States, for that purpose, accompanied by the proper evidence of such purchase, contract, or acquisition of record, describing the land or lands sought to be ceded by convenient metes and bounds, and the said Governor shall be, and he is hereby authorized and empowered, thereupon, in the name and on behalf of this State, to cede to the United States exclusive jurisdiction over the land or lands so purchased or acquired, and sought to be ceded, the United States to hold, use, occupy, own, possess and exercise said jurisdiction over the same for the purposes aforesaid, and none other whatsoever: *Provided always*, That the consent aforesaid is hereby given, and cession aforesaid is to be granted and made as aforesaid, upon the express condition, that this State shall retain a concurrent jurisdiction with the United States in and over the land or lands to be ceded and every portion thereof, so far that all civil and such criminal process as may issue under the authority of this State, against any person or persons charged with crimes committed without the boundaries of said land or lands so ceded, may be executed therein in the same way and manner as though this cession and consent had not been made or granted: Saving, however, to the United States, security to their property within the said limits and extent, and exemption of the same, and of said land or lands, from any tax under the authority of this State, whilst the same shall continue to be owned, held, used, and occupied, by the United States for the purposes above expressed and intended, and not otherwise."

See also Cedar Point as to jurisdiction.

MOBILE NATIONAL CEMETERY.

This reservation, acquired for cemetery purposes, contains in all 116,736 square feet of ground, and is situated in the City of Mobile. Title was acquired as follows:

1. Deed from the City of Mobile to the United States, dated May 31, 1866, conveying squares numbered 20 and 24, in what is known as the "New Cemetery;" area of ground conveyed, 110,976 square feet. Deed recorded in Deed Book No. 27, N. S., pp. 148–149, of the Probate Records of Mobile County.

2. Deed from the City of Mobile to the United States, dated July 30, 1894, conveying a strip of ground south of and adjoining the first-described tract, containing an area of 5,760 square feet. Deed recorded in Deed Vol. 73, pp. 326–327, of the Probate Records of Mobile County.

Jurisdiction as to first-described tract was ceded by an Act of the General Assembly of Alabama, as follows:

"*Be it enacted, etc.*, That the State does hereby cede to the United States all right and title which this State now has to the enclosure within the limits of Magnolia Cemetery, in the City of Mobile, which is

now occupied as a National Military Cemetery, and does further cede jurisdiction over said enclosure; *Provided, however*, That all civil and criminal process issued from any Court of this State under authority of law may run and be executed within the bounds of said National Military Cemetery at Mobile, the same in all respects as if this act had never been passed."

Approved March 6, 1875.

FORT MORGAN.

Contains about 322.42 acres, and is situated on Mobile Point, Baldwin County, on the eastern side of entrance to Mobile Bay, 33 miles from Mobile.

Title was acquired as follows: Included in the cession by Spain under treaty of 1819, part of Western Florida. Reserved by Executive Order for military purposes February 13, 1844, being part of the public domain.

Jurisdiction over this reservation was ceded to the United States by an act of the State Legislature, approved February 18, 1891, and is as follows:

"SECTION 1. *Be it enacted, etc.*, That pursuant to Article One, Section Eight, Paragraph Seventeen of the Constitution of the United States, consent to purchase is hereby given, and exclusive jurisdiction ceded, to the United States, over and with respect to all Lands now, or which may hereafter be, embraced in the military Posts and Reservations of Mount Vernon Barracks, in Mobile County, and Fort Morgan, in Baldwin County, so long as the United States shall occupy the same for public purposes, reserving, however, to the State, a concurrent jurisdiction for the execution within said lands of all process, civil or criminal, lawfully issued by the Courts of the State and not incompatible with this cession."

See also Cedar Point as to jurisdiction.

TOWER ISLAND.

Is an island in the Gulf of Mexico off the coast of Alabama; the deed of cession to which includes all the contiguous shores, flats, and waters within 1,000 yards from low water mark.

Title to and jurisdiction over this island was ceded by an act of the General Assembly, approved December 9, 1859, as follows:

"SECTION 1. *Be it enacted, etc.*, That for the purpose of enabling the United States to carry into effect an act of Congress of March 3rd, 1857, providing for fortifications for the defence of the inner passes into Mobile Bay (known as Grant's Pass and Pass du Heron) by building and making such forts, magazines, arsenals, dock-yards, wharves, and other structures, with their appendages, as may be necessary for the object aforesaid, jurisdiction is hereby ceded to the United States over the said 'Tower Island,' to include all the contiguous shores, flats, and waters within one thousand yards from low water mark, and all the right, title and claim which this State may have in or to the said 'Tower Island' are hereby granted to the United States; *Provided, however*, the jurisdiction ceded by this act shall not prevent the execution on such ceded premises of process, civil or criminal, under the authority of this State, nor prevent the laws of this State from operating over said island, shores, flats, and waters, saving to the United

States security to their property within the limits of the jurisdiction ceded and exemption of the same, and of such land and property from taxation under the authority of this State during the jurisdiction ceded by this act."

See also Cedar Point as to jurisdiction.

ALASKA.

SITKA.

Lot No. 20 (as shown by the map and inventories of Alaska) and on map of Sitka, for a Marine or Military Barracks and garden.

Title is as follows: By purchase from Russian Government in 1867, and set apart for above purpose by Executive Order dated June 21, 1890.

MILITARY AND NAVAL CEMETERY, NEAR SITKA.

Ten acres of ground set apart for that purpose. Title is as follows: By purchase from Russian Government in 1867, and set apart by Executive order dated June 21, 1890, subject to any rights which the Presbyterian Board of Home Missions may have.

JAPONSKY ISLAND.

An island opposite the town of Sitka. Title is as follows: By purchase from Russian Government in 1867, and set apart for Military and Naval purposes by Executive Order dated June 21, 1890.

FORT ST. MICHAEL.

This reservation contains the land known as St. Michael Island, with all contiguous lands and islands within 100 miles of the flagstaff of the garrison on that island, October 20, 1897. The title is as follows: Part of the public domain ceded by Russia to the United States in 1867, and declared a military reservation by Executive Order dated October 20, 1897. For jurisdiction see paragraph 2, Section 3, Article 4, Constitution of United States, which is clearly adapted to the territorial rights of the United States, beyond the limits or boundaries of any of the States.

ARIZONA.

FORT APACHE.

Contains 7,421.14 acres, and includes that portion of the White Mountain Indian Reservation situated in Townships 4 and 5, North of Range 23 East, Navajo County, restored to the public domain by Executive Order dated January 26, 1877, and declared a military reservation by Executive Order dated February 1, 1877.

FORT GRANT.

Contains 42,341 acres, and is situated in Townships 8, 9 and 10, South of Ranges 23 and 24 East, Graham County. Title is as follows: Public lands of the United States reserved for military purposes by Executive Order of April 17, 1876.

FORT HUACHUCA.

Contains 70 square miles and is situated in Townships 21, 22 and 23, South of Ranges 19 and 20 (extended), Cochise County. Title is as follows: Public lands of the United States reserved for military purposes by Executive Orders of October 29, 1881, and May 14, 1883.

SAN CARLOS.

A subpost of Fort Grant. Situated on the Gila River, within limits of White Mountain Indian Reservation, Gila County.

Title: Set aside as an Indian Reservation. Temporary military camp.

FORT WHIPPLE.

Contains 1,730 acres, and is situated in Township 14 North, of Range 2 West, 1 mile from Prescott, in Yavapai County.

Title is as follows: Public land of the United States reserved by Executive Order dated August 31, 1869. (See G. O. 34, Dept. Arizona, November 23, 1875, relocating and giving boundaries of reservation).

For jurisdiction, see paragraph 2, Section 3, Article 4, Constitution of United States.

ARKANSAS.

LITTLE ROCK MILITARY POST.

Contains, after deducting reserved tracts, 1,070 acres, and is a part of Sections 20, 21, 28, and 29, Township 2 North, Range 12 West, in Pulaski County, near Little Rock.

Title is as follows: (The site was purchased under authority of an act of Congress entitled "An Act to establish a Military Post near Little Rock, Arkansas," approved April 23, 1892). Deed from Board of Improvements for City Park, District of Little Rock, Ark., to the United States, dated February 18, 1893; recorded March 18, 1893, in Record Deed Book 38, page 613, Deed Records of Pulaski County. The purchase and transfer accepted and approved under the Act of Congress (supra) by the Secretary of War, March 2, 1893.

The consent to the purchase of and jurisdiction over said lands was ceded to the United States, by an Act of the State Legislature, approved February 25, 1893, which provides as follows:

"SECTION 1. The consent of the State of Arkansas is hereby granted to the United States of America to purchase or acquire real property of not more than fifteen hundred acres in extent, in Pulaski County, in said State, for the purpose of a military post, fort, arsenal or reservation.

"SEC. 2. Exclusive jurisdiction over such military post, fort, arsenal or reservation, and the territory thereof, is hereby ceded and granted to the said United States to be exercised so long as the same shall remain the property of the said United States.

"SEC. 3. The State of Arkansas hereby releases and relinquishes her right to tax said site and all improvements thereon during the time the said United States shall be and remain the owner thereof; *Provided*, That this grant of jurisdiction shall not prevent the execution of any process of the State, civil or criminal, on any person who may be on said reservation or premises."

FAYETTEVILLE NATIONAL CEMETERY.

Contains 6.63 acres, and is situated near Fayetteville, in Washington County. Title is as follows:

Tract A. Deed from David Walker to the United States, dated May 20, 1867, and recorded May 27, 1867, in Deed Record Q, page 268, of the records of deeds at Fayetteville, Washington County.

Tract B. Deed from Stephen K. Stone and wife to the United States, dated June 14, 1867, and recorded July 26, 1867, in Deed Record Q, page 341, of the records of deeds at Fayetteville, Washington County.

Tract C. Deed from David Walker to the United States, dated March 2, 1875, and recorded May 14, 1875, in Deed Record Y, page 413, of the records of deeds at Fayetteville, Washington County.

Tract D. Deed from Stephen K. Stone and wife to the United States, dated April 8, 1873, and recorded August 27, 1873, in Deed Record X, page 195, of the records of deeds at Fayetteville, Washington County.

Same. Deed from Stephen K. Stone and wife to the United States, dated February 3, 1875 (rectifying mistake in deed of April 8, 1873), recorded March 16, 1875, in Deed Record Y, pages 315–316, of the records of deeds at Fayetteville, Washington County.

Jurisdiction was ceded over National Cemeteries by the following act of the State Legislslature, approved February 21, 1867, as follows:

"An Act concerning National Cemeteries: Whereas by a resolution of Congress approved April 13, 1866, the Secretary of War was authorized and required to take immediate measures to preserve from desecration the graves of the soldiers of the United States who fell in battle, or died of disease in the field, and in the hospital, during the war of the rebellion, and to secure suitable burial places in which they may be properly interred; *And Whereas*, The Secretary of War is about to purchase suitable grounds within the limits of this State for the establishment thereon of 'National Cemeteries,' within which are to be buried the bodies of those described in said resolution, *And Whereas*, It is provided in Paragraph 1059, United States Army Regulations as revised A. D. 1863, that previous to the expenditure of any money, in the purchase of any land within any State of the United States for the use of the General Government, the Legislature of the State within which such purchase shall be made, shall first cede all jurisdiction over such land.

"SECTION 1. *Be it therefore enacted, etc.*, That the jurisdiction of this State within and over all lands purchased by the United States, on which such National Cemeteries may be established within the limits of this State, shall be and the same is hereby ceded to the United States so far as the permanent inclosures of such 'National Cemeteries' may extend and no farther."

FORT SMITH NATIONAL CEMETERY.

Contains 15 acres, and is situated near Fort Smith in Sebastian County (formerly part of Crawford County).

Title is as follows: Deed from John Rogers and wife to the United States, dated June 17, 1838 (for 306 acres), and recorded in the office of the Clerk of the Circuit Court and Recorder of Crawford County, June 18, 1838. (Book and page not given.) Sebastian County having been organized to include this part of Crawford County since the date of said deed, consult records of deeds of Sebastian County at Fort Smith also. The above lands ordered transferred to the Secretary of the Inte-

rior as a part of the public domain for disposition under the land laws. (See act of Congress approved February 24, 1871.) The 15 acres above described as the Fort Smith National Cemetery reserved from sale and restored to the custody of the War Department by Executive Order dated May 22, 1871.

For jurisdiction see Fayetteville National Cemetery.

LITTLE ROCK NATIONAL CEMETERY.

Contains 12.12 acres; is part of S. E. ¼ of Section 11, Township 1 North, Range 12 West, and is situated near Little Rock, in Pulaski County. Title is as follows:

A. Deed from the City of Little Rock to the United States, dated September 18, 1866, conveying 9.10 acres within the inclosure of Oakland Cemetery. Deed not recorded.

B. Deed from the City of Little Rock to the United States, dated April 9, 1868, and embraces the 9.10 acres above described as purchased September 18, 1866, together with 3.02 acres recently purchased, making a total of 12.12 acres. Deed recorded January 7, 1869, in Record Book No. 2, pages 302–306, of the deed records of Little Rock, Pulaski County.

Jurisdiction: See Fayetteville National Cemetery.

CALIFORNIA.

ALCATRAZ ISLAND

Is an island in San Francisco Bay, 4 miles Northeast of the City of San Francisco, containing about 12 acres of land.

Title is as follows: Part of the Public Domain and reserved therefrom for military purposes by Executive Order dated November 6, 1850, and title to certain tide-water lands, etc., ceded by State March 9, 1897. Jurisdiction was ceded by an act of the State legislature, approved March 2, 1897, as follows:

"*The people, &c., do enact as follows:*

"SECTION 1. The State of California hereby cedes to the United States of America exclusive jurisdiction over all lands within this State now held, occupied, or reserved by the Government of the United States for military purposes or defence, or which may hereafter be ceded or conveyed to said United States for such purposes; *Provided*, That a sufficient description by metes and bounds and a map or plat of such lands be filed in the proper office of record in the county in which the same are situated; *And provided further*, That this State reserves the right to serve and execute on said lands all civil process, not incompatible with this cession, and such criminal process as may lawfully issue under the authority of this State against any person or persons charged with crimes committed without said lands."

ANGEL ISLAND.

An island in San Francisco Bay, 7 miles Northeast of the City of San Francisco, containing about 640 acres of land.

Title is as follows: Part of the Public Domain and reserved therefrom for military purposes by Executive Order, dated November 6, 1850, and title to certain tide-water lands, etc., ceded by the State March 9, 1897.

Jurisdiction: See Alcatraz Island.

BENICIA.

(Reservation of Post and Arsenal.)

That portion set apart for a Post or Barracks contains 98.78 acres, and the Arsenal portion 238 acres. Total, 336.78 acres. This reservation is situated on Suisun Bay and the Straits of Carquinez, in Solano County.

Title is as follows: An attempt was made to convey title to the United States by—

1. Deed from Robert Semple and wife and others to the United States, dated April 16, 1849, and recorded July 5, 1849, in Book C, pages 295–296, of Records by L. W. Boggs, Alcalde for Sonoma. Also recorded in Benicia, November 19, 1849, in Book A, pages 460–461, of the records of Solano County.

2. Deed from Mariano G. Vallejo to the United States (Deed of Release) dated December 27, 1854; not recorded.

3. Deed of Release from Thomas O. Larkin to the United States, dated December 30, 1854, and recorded January 24, 1855, in Book I, page 347, of the Deed Records of Solano County; and

4. Deed of Release from Bethnel Phelps to the United States, dated January 20, 1855, and recorded January 20, 1855, in Book H, pages 340–341, of the Deed Records of Solano County. The above-named grantors having, however, derived title by deed from General M. G. Vallejo, who claimed it under the so-called "Suscol" grant from Mexico, which grant was rejected by the Supreme Court of the United States, could pass no good or valid title to the United States. The fee simple was, therefore, in the United States by virtue of the treaty of Guadalupe Hidalgo, and it having never parted with it the reservation for military purposes was declared by Executive Orders dated October 7 and 10, 1862. And title to certain tide-water lands, etc., ceded by the State March 9, 1897.

Jurisdiction was made "exclusive" and certain by the Act of the State Legislature approved March 2, 1897.

See Alcatraz Island.

THE BROTHERS AND SISTERS AND MARIN ISLANDS.

The area of these islands is unknown. The description is as follows: "The Brothers" consist of two rocky islets, having a channel between them, situated near Point San Pablo. "The Sisters" consist of two small islands near Point San Pedro. "The Marin Islands" consist of two rocky islets, having a channel between them, and are situated west of "The Brothers" at the entrance to San Pablo Bay. All commanding the entrance to San Pablo Bay.

Title is as follows: Part of the Public Domain and reserved for military purposes by Executive Order, dated October 25, 1867.

See Act of State Legislature of March 9, 1897, for tide-water lands, etc., and for jurisdiction see Alcatraz Island.

DEAD MAN'S ISLAND.

Surveyed as Lot No. 1, Section 19, Township 5, South of Range 13 West, San Bernardino Meridian of California (Dead Man's Island).

Title is as follows: Part of Public Domain and reserved for military and other purposes by Executive Order dated March 15, 1872.

See also act of State Legislature, approved March 9, 1897, as to tide-water lands, etc., and for jurisdiction, see Alcatraz Island.

LIME POINT.

This reservation contains 1,899.66 acres, and is situated on, and embraces, the North side of the "Golden Gate" or entrance to the Harbor of San Francisco, in Marin County.

Title is as follows: Deed from Samuel R. Throckmorton to the United States, dated July 24, 1866, and recorded July 24, 1866, in Liber F, pages 127–130, of the records of deeds of Marin County.

See also Act of the State Legislature approved March 9, 1897, as to lands below low tide, etc.

Jurisdiction: The State Legislature ceded jurisdiction to this reservation by act approved April 16, 1859, as follows:

"SECTION 1. Jurisdiction is hereby ceded to the United States over any such tract or tracts of land at or near Lime Point Bluff, on the northern side of the harbor of San Francisco, as may be acquired by the United States for the purpose of Military defence, and over all the contiguous shores, flats, and waters, within five hundred yards from low-water mark; *Provided*, That this State shall retain a concurrent Jurisdiction with the United States, in and over the premises in question, so far as that all civil processes, not incompatible with the full constitutional authority of the United States, and criminal process as may lawfully issue under the authority of this State, against any person or persons charged with crimes committed without the premises aforesaid, may be executed therein, in the same way and manner as if Jurisdiction had not been ceded as aforesaid, except so far as such process may affect the real or personal property of the United States.

"SEC. 2. The premises over which Jurisdiction is ceded by this Act, and all structures and other property thereon, belonging to the United States, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this State, while said premises shall remain the property of the United States, and shall be used for the purposes intended by this Act."

Exclusive jurisdiction was ceded by act of the State Legislature, approved March 2, 1897. See Alcatraz Island.

POINT LOBOS.

Reservation contains 54.05 acres, and is situated in the City and County of San Francisco, near the Golden Gate Cemetery.

Title is as follows: Decree and Order of condemnation for coast defenses and fortifications in the Circuit Court, Ninth Circuit, Northern District of California, dated January 23, 1893, in the case of the United States *v.* The City and County of San Francisco, etc. Decree filed and recorded in the office of the County Recorder of the City and County of San Francisco, January 27, 1893, and recorded in Liber 1548 of Deeds, page 100. See also Act of State Legislature, approved March 9, 1897, as to tide-water lands, etc.

For jurisdiction see Alcatraz Island.

MARE ISLAND.

(Reservation No. 7 opposite.)

Contains about 769 acres, and is that part of Military Reservation No. 7, opposite Mare Island, lying south of the section line running east and west between Sections 19 and 30, Township 3, North of Range 3 West, Solano County.

Title is as follows: Part of alleged "Suscol" grant. See "Benicia" for remarks on same. Part of Public Domain reserved for military purposes by Executive Order November 6, 1850, and title to tide-water lands, etc., ceded by act of State Legislature, approved March 9, 1897.

For jurisdiction see Alcatraz Island.

FORT MASON.

This reservation contains 55.5 acres, and is situated at Point San Jose or Black Point on south side of Bay of San Francisco, opposite Alcatraz Island, and is within the now limits of the City of San Francisco.

Title is as follows: Part of Public Domain and reserved by Executive Order, dated November 6, 1850, modified as to present limits by Executive Order, December 31, 1851, and as further modified by Act of Congress approved July 1, 1870. (See U. S. Stats. at Large, Vol. 16, Chap. 197, p. 186.) See also act of State Legislature, approved March 9, 1897, ceding title to tide-water lands, etc.

Jurisdiction was ceded by Act of State Legislature, approved March 2, 1897. See Alcatraz Island.

MOLATE ISLAND (RED ROCK).

This island contains 7.52 acres, and is situated in the Bay of San Francisco, near its junction with the Bay of San Pablo, and is in Section 17, Township 1, North of Range 5 West, Mount Diablo Meridian.

Title is as follows: Reserved by Executive Order dated October 21, 1882. See also act of State Legislature approved March 9, 1897, as to tide-water lands, etc.

For jurisdiction see Alcatraz Island.

MONTEREY.

This reservation contains 139.36 acres, and is situated within the city limits of Monterey, overlooking the Bay, in Monterey County.

Title: Occupied as a military post by the Spanish Government as early as 1772. Mexico succeeded Spain, and by the treaty with Mexico the United States succeeded to the title and took possession. Reserved also for military purposes by Executive Order, dated November 23, 1866.

For jurisdiction see Alcatraz Island.

PENINSULA ISLAND.

(With small Island near former.)

This island contains 157.09 acres. The small island contains about 7 acres. The first is situated in San Francisco Harbor, near the northern shore of San Francisco Bay, at the outer entrance to Raccoon Straits, which is one of the approaches to the Navy-Yard and Depot at Mare Island and the United States Arsenal at Benicia. The small island is near the above, lying between it and the point of the main land called Turberon Point.

Title is as follows: Reserved from the public domain for military purposes by Executive Order, dated August 20, 1867. See also Opinion of the Attorney-General, dated July 19, 1879, in the matter of the Rancho Corte de Madera del Presidio. For title to tide-water lands, etc., see Act of State Legislature approved March 9, 1897.

For jurisdiction see Alcatraz Island.

PRESIDIO OF SAN FRANCISCO.

This reservation contains 1,479.94 acres, and is situated in the Northwest suburbs of San Francisco, on the southern margin of the harbor of San Francisco.

Title is as follows: Established as a military post by the Spanish; exact date unknown. Continued as a military post by Mexico, successor to Spain, and by Mexico ceded to the United States by treaty. See remarks as to title under head of "Peninsula Island." Reserved for military purposes by Executive Order, dated November 6, 1850, afterwards modified by Executive Order dated December 31, 1851. See also act of State Legislature, approved March 9, 1897, as to tide-water lands, etc.

"Exclusive" jurisdiction ceded by act of State Legislature, approved March 2, 1897, for which see Alcatraz Island.

SAN DIEGO HARBOR (POINT LOMA).

Area not given; that portion of the peninsula lying on the west side of the entrance to the harbor, included between the southernmost point of the peninsula (Point Loma) and a line drawn across said peninsula from the harbor to the ocean at the distance of 1½ miles above Punta de Guiranos.

Title is as follows: Passed under the treaty of Guadalupe Hidalgo, concluded February 2, 1848, to the United States. Reserved for military purposes by Executive Order dated February 26, 1852. See also act of the State Legislature approved March 9, 1897, as to tide-water lands, etc.

For jurisdiction see Alcatraz Island.

SAN DIEGO BARRACKS.

Blocks 31 and 39, being 200 feet by 300 feet each, and one wharf lot 75 feet by 1,000 feet. Total area of reservation 315,000 square feet, situated in the city of San Diego.

Title is as follows:

1. Deed from William H. Davis and wife to the United States, dated September 12, 1850, for tracts known as letter K in Block 31, Lot No. 3 in Block 18, and letters G, B, and C in Block No. 39, recorded January 21, 1870, in Deed Record No. 8, page 146 of deed records of San Diego County.

2. Deed from George F. Hooper, William H. Davis and wife to the United States, dated September 12, 1850, for tracts known as Letter I in Block 31, and Letter L in Block 39, and recorded January 21, 1870, in Deed Record No. 8, page 148 of the deed records of San Diego County.

3. Deed from Thomas W. Sutherland, Guardian ad litem for the heirs of Miguel de Pedrorena, to the United States, dated September 12, 1850, for tracts known as Letter D, in Block 31, and Letters A and J, in Block 39, and recorded January 21, 1870, in Deed Record No. 8, page 144, of the deed records of San Diego County.

4. Deed from Andrew B. Gray to the United States, dated September 14, 1850, for tracts known as Letters A, F, and L, in Block 31; Lot Nos. 2 and 6, in Block 18, and Letters D, E, F, H, and K, in Block 39, and recorded January 21, 1870, in Deed Record No. 8, page 145, of the deed records of San Diego County.

5. Deed from Thomas D. Johns to the United States, dated September 12, 1850, for tracts known as Letters G, H, and C, in Block 31, and

recorded January 17, 1870, in Deed Record No. 8, page 145, of the deed records of San Diego County.

6. Deed from José A. Aquirre and wife to the United States, dated September 12, 1850, for tracts known as Letters E and J, in Block 31; Lot No. 1, in Block 18, and Letter I, in Block 39, and recorded January 21, 1870, in Deed Record No. 8, page 147, of the deed records of San Diego County.

7. Deed from Andrew B. Gray to the United States, dated September 12, 1850, for tracts known as Letters A, F, and L, in Block 31; Lots 2 and 6, in Block 18, and Letters D, E, F, H, and K, in Block 39, and recorded September 17, 1850, in Deed Book O, page 251, of the deed records of San Diego County.

8. Deed from José A. Aquirre and wife, William H. Davis and wife, Andrew B. Gray, Thomas D. Johns, George F. Hooper, Maria A. de Pedrorena, Victoria de Pedrorena, Miguel de Pedrorena, Ysabel de Pedrorena, and Eleva de Pedrorena, minor heirs of Miguel de Pedrorena, deceased, by Thomas W. Sutherland, their guardian ad litem, to the United States, dated September 12, 1850, for tracts known as Lots numbered 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, in Block 18, and Letter B, in Block 31. Recorded January 21, 1870, in Deed Record No. 8, page 143, of the deed records of San Diego County.

See also act of State Legislature approved March 9, 1897, as to tide-water lands, etc., so far as it affects wharf property herein.

For jurisdiction see Alcatraz Island.

SAN FRANCISCO NATIONAL CEMETERY.

Contains 9.5 acres. Formerly part of the military reservation of the Presidio of San Francisco, and includes the Post Cemetery. Set aside December 12, 1884, by order of the Secretary of War, as a cemetery of the fourth class, to be known and designated as the San Francisco National Cemetery.

For title, see Presidio of San Francisco; and for jurisdiction, see Presidio of San Francisco, also Alcatraz Island.

SAN PEDRO.

This reservation contains about 44.25 acres and is situated on San Pedro Bay, in Los Angeles County, being part of Section 19, Township 5, South of Range 13 West, and part of Section 24, Township 5, South of Range 14 West of San Bernardino Meridian.

Title is as follows: Ceded to the United States by Mexico under the treaty of Guadalupe Hidalgo, concluded February 2, 1848. Reserved for military purposes by Executive Order dated September 14, 1888. See also act of the State Legislature approved March 9, 1897, as to tide-water lands, etc.

For jurisdiction see Alcatraz Island.

FORT WINFIELD SCOTT.

(Originally part of Presidio Reservation.)

A military post, area unknown, situated on the south side of the Golden Gate (entrance to Bay of San Francisco).

Title is as follows: As a part of the public domain it was reserved for military purposes by Executive Order dated November 6, 1850, as modified December 31, 1851. See also act of the State Legislature, approved March 9, 1897, as to tide-water lands, etc.

For jurisdiction see Alcatraz Island.

MOUNT WHITNEY.

Reservation contains 84,480 acres, comprising all of Townships 15 and 16, South of Range 34 East, and Township 16, South of Range 35 East, also Sections 19 to 36 inclusive in Township 15, South of Range 35 East, and Sections 19, 20, 21, 29, 30, 31, and 32 in Township 15, South of Range 36 East of the Monte Diablo Meridian in Tulare and Inyo counties.

Title is as follows: Public domain and reserved for military purposes by Executive Order September 20, 1883.

For jurisdiction see Alcatraz Island.

YERBA BUENA ISLAND.

Contains about 141 acres and is situated about 2½ miles Northeast of the City of San Francisco, in the Bay of San Francisco.

Title is as follows: Reserved from the grant to the City of San Francisco by act of Congress approved July 1, 1864, and under the provisions of said act reserved for military purposes by Executive Order dated October 12, 1866. See also Executive Order dated November 6, 1850. Deed from Frank M. Pixley to the United States, dated August 27, 1869, and recorded September 7, 1869, in Office of County Recorder of the City and County of San Francisco, in Liber 524 of Deeds, page 14. See also act of the State Legislature approved March 9, 1897, as to tide-water lands, etc.

For jurisdiction see Alcatraz Island.

COLORADO.

FORT LOGAN.

Contains an area of 640 acres, and was purchased in accordance with the provisions of an Act of Congress approved February 17, 1887. It is situated in Arapahoe County, being the S. ½ and NW. ¼ and S. ½ of of NE. ¼ of Section 6, and W. ½ of SW. ¼ of Section 5, Township 5, South of Range 68 West of the Sixth Principal Meridian. The title is by deed from Charles B. Kountze, Trustee, to the United States, for all the above-described tracts. Deed dated June 14, 1887, and recorded October 11, 1887, in Deed Book 343, page 415 of the deed records of Arapahoe County. The SW. ¼ of SW. ¼, Section 5, Township 5 South, Range 68 West, etc., also reserved for military purposes by Executive Order dated September 26, 1887.

Consent of the State to the purchase by the United States was given by act of the State Legislature approved February 1, 1881, as follows:

"That the consent of the State is hereby given to the purchase by the United States, * * * also to the purchase by the United States of such other lands within this State as its authorities may from time to time select for the erection of forts, magazines, arsenals, and other needful buildings."

The Governor of the State, by deed dated June 14, 1887, conveyed full, complete, and exclusive jurisdiction over this reservation in accordance with the terms of an act of the State Legislature approved, March 22, 1887. The act provides as follows:

"SECTION 1. Whenever any officer or officers of the United States, thereunto duly authorized, shall designate or select a tract of six hundred and forty acres of land at or near the city of Denver, in the

State of Colorado, as and for the site of a military post, and the title thereto shall have been conveyed and confirmed to the United States of America by the owner or owners thereof, the Governor of this State shall make, execute, and deliver to the United States of America a deed, sealed with the great seal of the State of Colorado, and attested by the Secretary of State, containing apt, meet, and proper words, clauses, and covenants, to fully cede, give, grant, transfer, confer and confirm exclusive jurisdiction for all purposes whatsoever over such tract of land, and all and every part thereof, unto the United States of America; but, nevertheless, therein reserving to this State jurisdiction to serve the civil process of State, county and municipal courts and tribunals within said tract of land; to serve and execute therein processes in criminal cases by State, county and municipal officers in respect to offenses, misdemeanors, crimes and felonious acts committed outside of said tract, and at, from and after the making, executing, ensealing, attesting and delivery of such deed, exclusive jurisdiction shall vest in and remain in the United States of America, for and during all the time the United States shall remain the owner of said tract, subject only to the State jurisdiction for the service of execution and process reserved to this State over said tract of land so ceded, granted, transferred, confirmed and conferred unto the United States of America for and during the time the United States shall remain the owner thereof.

"SEC. 2. That at, from and after the delivery of such deed of cession, the said site and tract of land, and the erections, structures, buildings, fixtures, goods, chattels and property at any time thereon or thereto belonging, or in anywise appertaining and belonging to the United States, shall be and remain released and exempt from all tollages, taxes and assessments, of every name and nature, for and during the time the United States shall remain the owner thereof."

CONNECTICUT.

FORT GRISWOLD.

This reservation contains 14 acres and is situated on Groton Heights, in New London County.

The title is as follows: The old fort, owned and occupied by the State as early as 1775, was, together with lands purchased by the State in 1777 from J. Chester and E. Avery, aggregating 4.643 acres, by the State Legislature authorized to be ceded to the United States. (Not evidenced by deed of cession.) Additional lands were purchased as follows: Deed from Latham Avery to the United States, dated August 3, 1812 (conveying 1.958 acres), recorded in Deed Book 16, page 56, of the land records of the town of Groton. Deed from Ebenezer Avery to the United States, dated August 3, 1812 (conveying 1 acre and 90 rods), recorded in Book 16, page 56, of the land records of the town of Groton. Deed from William F. Brainard, Attorney, etc., to the United States, dated September 16, 1812 (conveying 1 acre and 74 rods), recorded in Book 15, page 212, of the land records of the town of Groton. Purchase from Nicholas Lester by the United States, ———, 1841; no record received of deed; area of purchase, 2.759 acres. Purchase from Albert Latham by the United States, ———, 1841; no record received of deed; area, 0.179 acre. Purchase from Humphrey Baker by the United States, March 26, 1842; evidenced by bond for deed, and

purchase from Albert Latham by the United States, March 25, 1842; evidenced by bond for deed, aggregating 3.058 acres.

Jurisdiction was ceded by an act of the State Legislature approved June 9, 1842, which is as follows:

"SECTION 1. *Be it enacted, etc.*, That his Excellency, the Governor, be, and he is hereby authorized and empowered to cede to the United States, Fort Trumbull, in the town of New London, and Fort Griswold, in the town of Groton, and the jurisdiction of the lands whereon the same are situated, and so much of the lands thereto adjoining as in his opinion may be necessary for the accommodation of the United States.

"SEC. 2. *Be it further enacted*, That the deed, or instrument of such cession, shall be recorded by the Secretary of State before its final delivery to the United States. *Provided, however*, That the right to serve civil and criminal process upon said lands, be, and the same is hereby reserved."

There appears to be no record of the cession by deed as contemplated in the act, but notwithstanding this fact, it was held by Attorney-General Akerman, in an opinion dated April 15, 1871, that the jurisdiction of the United States over Fort Trumbull was unquestionable. In his opinion he said: (XIII Opinions, 411)

"It is not questioned that the land is owned by the United States, or that the purchase was with the consent of the legislature of the State. There is wanting a formal deed of cession which the legislature intended should be executed on the part of the State. Such a formality is not necessary to give jurisdiction.

"The purchase by the United States, and the consent of the legislature to the purchase, gave to Congress the exclusive power of legislation over the purchased land. (Constitution of the United States, Art. I, sec. 8.) A legislative consent to the purchase could be given either before or after the purchase, and such consent, whenever given, together with the fact of the purchase, establishes the jurisdiction of the United States." (7 Opins., 628.)

FORT HALE.

This reservation contains about 30 acres, and is situated on the east shore of New Haven Harbor, in the town of New Haven, the title being as follows:

1. Deed from Kneeland Townsend to the United States, dated April 27, 1809, recorded May 10, 1809, in East Haven Fourth Ledger Book, page 87.
2. Deed from Truman Colt to the United States, dated May 3, 1809, and recorded May 10, 1809, in East Haven Fourth Ledger Book, page 88.
3. Deed from Philemon Augur to the United States, dated August 21, 1809, and recorded August 24, 1809, in East Haven Fourth Ledger Book, page 92.
4. Deed from Benjamin Belden and Lyman Hotchkiss and wife to the United States, dated September 16, 1870, and recorded December 11, 1871, in Vol. 19, page 22 of East Haven Land Records.
5. Deed from Timothy Andrews, Trustee, to the United States, dated August 19, 1871, and recorded December 11, 1871, in Vol. 18, pages 785–786 of East Haven Land Records.
6. Deed from C. W. Bradley, Trustee for Episcopal Church, to the United States, dated August 19, 1871, and recorded December 11, 1871, in Vol. 18, pages 786–787 of East Haven Land Records.

7. Deed from Martha P. Pardee to the United States, dated August 19, 1871, and recorded December 11, 1871, in Vol. 18, page 650, of East Haven Land Records.

8. Deed from Martha P. Pardee, Guardian, to the United States, dated August 21, 1871, and recorded December 11, 1871, in Vol. 17, pages 673–674 of East Haven Land Records.

9. Deed from Samuel Forbes to the United States, dated August 21, 1871, recorded December 11, 1871, in Vol. 19, page 23 of East Haven Land Records.

10. Deed from Benjamin Belden and Lyman Hotchkiss and wife to the United States, dated December 11, 1871, recorded December 16, 1871, in Vol. 19, page 24 of East Haven Land Records.

11. Deed from Isaac C. Stock to the United States, dated October 25, 1872, recorded November 7, 1872, in Vol. 19, page 110 of East Haven Land Records.

12. Deed from Bela Forbes to the United States, dated October 29, 1872, recorded October 29, 1872, in Vol. 19, page 109 of East Haven Land Records.

13. Deed from Bela Forbes to the United States, dated October 29, 1872, recorded October 29, 1872, in Vol. 19, page 652 of East Haven Land Records.

14. Deed from Bela Forbes to the United States, dated November 5, 1872, recorded November 7, 1872, in Vol. 19, page 655 of East Haven Land Records.

15. Decree of Condemnation rendered in the Superior Court October 21, 1872, in the case of United States *v.* Bela Forbes—Recorded October 29, 1872, in Vol. 20, pages 10 to 17, inclusive, of East Haven Land Records.

Consent to the purchase and jurisdiction over the above-conveyed lands, except those described in Deeds numbered 1, 2, and 3, as follows:

Act of State Legislature approved July 12, 1870:

"SECTION 1. The consent of this State is hereby given to the purchase by the United States of America, of so much land adjacent to Fort Hale in the town of East Haven as lies westerly of a line marked A B on a map of premises at Fort Hale, &c., surveyed in 1864 for the United States Government by William Hartley on file in the War Department of the United States, and to so much of the land of Bela Forbes as lies adjacent to and easterly of said line; the premises for the purpose of which consent is hereby given, being land owned by J. G. Stark, about three acres, land owned by Bela Forbes, about nine acres, land owned or claimed by the Episcopal Society in East Haven, about one acre, land owned by Samuel Forbes, about one acre, land formerly owned by L. Pope, about eight acres, and land formerly owned by Isaac Pardee, about two acres.

"SEC. 2. Jurisdiction is hereby ceded to the United States of America over all such lands as may be purchased by the United States, within the limits provided in the preceding section; reserving, however, the right to serve both civil and criminal process, issued under the authority of laws of this State, upon said lands."

Act of State Legislature, approved July 14, 1870:

"Whereas the United States have taken and used for purposes of fortification at Fort Hale in the Town of East Haven, a certain parcel of salt meadow land, containing about four acres, formerly belonging to Mary Bishop of East Haven, and by her devised to the Episcopal

Society in said town, in trust to apply the rents and profits therefrom to the support of an Episcopal minister in said town, forever; and also another parcel of land or salt meadow near said Fort, lying east of King Island, comprising about two acres and belonging formerly to Isaac Pardee of said town, but now held in trust under said Pardee's will by Timothy Andrews of said town for the benefit of Joseph Pardee of said town, and the family of said Joseph; And Whereas, the United States are desirous to purchase said two described parcels, and said Episcopal Society have voted to sell their interest in said first-described tract to the United States, and said Timothy Andrews desires to sell said second-described parcel to the United States, and it is manifestly for the interest of all concerned in said trust estates that such sales should be effected; therefore be it

"*Resolved, etc.*, That the Protestant Episcopal Society of East Haven hereby is authorized and empowered to sell and convey their interest in the first parcel of salt meadow land above described and Charles W. Bradley of East Haven is hereby authorized to convey the same as the agent of said society to the United States on such terms as the parties may agree upon; and Timothy Andrews of East Haven is hereby empowered to sell and convey to the United States the second above-described parcel of salt meadow land on such terms as he may agree upon with the United States; and such conveyances when made shall vest in the United States a clear title to the premises conveyed, free and discharged of any trust; *Provided, however*, that it shall be the duty of said Society and of said Timothy Andrews to reinvest the moneys by them respectively, received for said conveyances in other lands, or in public or mortgage securities and hold the same in each case subject to the same trusts created by the wills under which their respective titles were originally derived with reference to said respective parcels of land thus to be conveyed."

And the following Act of the State Legislature, approved June 26, 1872:

"SECTION 1. The consent of this State is hereby given to the purchase by the United States of America of so much land adjacent to the grounds surrounding Fort Hale in the town of East Haven as lies westerly of a line marked A, B, C, D, E, on a map of premises at Fort Hale, etc., surveyed in 1864, for the U. S. Government, by William Hartley, on file in the War Department of the United States; the premises, for the purchase of which consent is hereby given, being the same premises described in the Act to which this Act is in addition, together with one additional triangular strip of land containing about one acre and three-quarters, conveyed to the United States by Benjamin Belden, Lyman Hotchkiss and Sarah A. Hotchkiss by deed dated December eleventh, 1871, and recorded in East Haven land records, volume 19, page 24, and designated on said map, or a tracing thereof, filed by the United States in the office of the Secretary of this State, by the lines A, B, B."

(Sections 2, 3, 4, 5, and 6 provide for condemnation, manner of procedure, etc.)

"SEC. 7. Jurisdiction is hereby ceded and confirmed to the United States of America over all such lands as have been or may be acquired by the United States, within the limits provided and described in the first section of this Act; so long as the same shall remain the property of the United States: reserving, however, the right to serve both civil and criminal process issued under the authority or laws of this State, upon said lands."

By an act of Congress, approved September 1, 1890, the town of New Haven was granted the right to occupy, improve and control for the purposes of a public park, the foregoing described reservation, but the United States reserved to itself the fee in said tract and the right to resume possession, etc.

FORT TRUMBULL.

The total area of this reservation is 13 Acres, 2 Roods, 27 Poles and 204 Links, and is situated on the south of New London Harbor about 1½ miles above the mouth of the Thames River.

The title is as follows: Original reservation held by the State for military purposes and first post established by the State in 1775, and in October, 1778, the State legislature authorized this post to be ceded to the United States, but there exists no evidence of any action by the Governor. In May, 1804, the State Legislature, by an Act approved May —, 1804, gave consent to the purchase by the United States, the material portion of said act being included in the following:

Deed from Samuel Mather, John Munford and Elias Perkins, guardians, etc., to the United States dated January 17, 1805, conveying 11¼ acres and recorded in * * *.

By Act of Congress approved March 2, 1833, an additional tract of land was acquired by Deed from Lucretia Mitchell to the United States, dated April 9, 1833, conveying 2¼ Acres, 27 Poles and 204 Square Links, and recorded in Book 40, page 362 of the records of town of New London.

Agreement defining boundary of land by Lucretia Mitchell, above grantor, dated July 15, 1833, and recorded July 23, 1833, in Book 38, page 323 of records of town of New London. By Act of the State Legislature approved June 9, 1842, the Governor was authorized to cede to the United States Fort Trumbull and Fort Griswold, together with jurisdiction. No cession by deed, but see Fort Griswold. See also Appendix, pages 285, 295, 296.

DELAWARE.

FORT DELAWARE.

This reservation includes the whole of "Pea Patch Island;" contains 178 acres; is situated in the Delaware River near the town of New Castle.

The title to and jurisdiction over the Island was ceded to the United States by an Act of the State Legislature, approved May 27, 1813. as follows:

"SECTION 1. *Be it enacted, etc.*, That all the right, title, and claim which this State has to the jurisdiction and soil of the island in the Delaware, commonly called the pea-patch, be, and the same is hereby, ceded to the United States of America, for the purpose of erecting forts, batteries, and fortifications, for the protection of the river Delaware and the adjacent country; upon the condition nevertheless, that the said forts, batteries, and fortifications shall be erected and kept up at the expense of the United States, and also that all process, civil and criminal, issuing under the authority of this State may be executed and served within the place, the jurisdiction of which is hereby ceded as aforesaid, in the same manner as if no such cession had been made."

See Ex. Doc. No. 21, Thirtieth Congress, first session (Senate), report of the Solicitor of the Treasury transmitting decision of Hon. John Sergeant, in favor of the United States in the matter of the Pea Patch Island, referred to him as sole arbitrator between the United States claiming title from the State of Delaware on one side, and James Humphrey claiming title through Henry Gale from the State of New Jersey, on the other.

NOTE.—Title, "Pea Patch Island, Delaware:" The territory of the State of Delaware within the "twelve-mile circle" extends across the Delaware River to low-water mark on the Jersey shore. So held in the arbitration at Philadelphia, January 15, 1845.

FORT AT DELAWARE BREAKWATER.

(For situation, see Act, infra.)

The title to this site was conveyed to the United States and jurisdiction ceded by an Act of the State Legislature, approved February 5, 1873, as follows:

"SECTION 1. *Be it enacted, etc.*, That William D. Waples, N. W. Hickman and Dr. D. H. Houston of Sussex County be and they are hereby appointed Commissioners on the part of the State of Delaware, and they or a majority of them are hereby authorized and empowered in conjunction with any agent or person appointed by the President of the United States, or by the Secretary of War, to locate and fix the boundaries of any quantity of land belonging to the State of Delaware, not exceeding two thousand one hundred feet front and three thousand feet deep from low water mark, situated and lying on the Delaware Bay southeast of the old mole, usually called the Government Mole, and between said old mole and the point of Cape Henlopen; and the land belonging to the State of Delaware located and designated by the boundaries to be fixed and determined by the Commissioners aforesaid in conjunction with the agent or person to be appointed as aforesaid by the President of the United States, or by the Secretary of War, and all claim, title and right of soil and jurisdiction of the State of Delaware in to or over the same is hereby ceded to and vested in the United States in perpetuity, and that a plot of the land so located and hereby ceded as aforesaid be made and recorded in the office of the Recorder in and for Sussex County. *Provided* that the sovereignty and jurisdiction of this State shall extend over the land hereby ceded to the United States so far as that all civil and criminal process issued under any law of this State may be executed in any part of said lands and buildings thereon erected.

"SEC. 2. *Be it further enacted by the authority aforesaid*, That the above cession of land and jurisdiction hereby made is upon the express condition: That defenses to be built by the United States at the Delaware Breakwater harbor shall be constructed thereon."

Title consummated and area ascertained as follows:

"State of Delaware, Sussex County, ss: Be it remembered that on the twenty-eighth day of November in the year of our Lord one thousand eight hundred and seventy-three the foregoing survey and plat of the lands ceded by the State of Delaware to the United States of America by an Act of the Legislature of the said State, entitled 'An Act to cede certain lands to the United States of America,' passed at Dover, February 5, 1873, was made by Adam Sturle, Esquire, Civil Engineer, under the supervision and direction of Lieutenant-Colonel

I. D. Kurtz, U. S. Army, agent of the United States, and William D. Waples, N. W. Hickman, and Dr. D. H. Houston, Commission of the said State, for the construction of defences for the protection of the Breakwater Harbor thereon, and according to the selection and location of the same by them pursuant to the provisions of the act aforesaid."

The foregoing was signed and sealed by the Commissioners and the United States Engineer named, and recorded in Book B, K, No. 84, pages 448, etc., of the deed records of Sussex County, at Georgetown.

NEW CASTLE (ARSENAL LOT).

Situated on Market Square in the town of New Castle.

The title is as follows: Deed from Kensey Johns and James Rogers, surviving Trustees, etc., to the United States for Arsenal, dated November 10, 1843, and recorded November 11, 1843, in Book K, Vol. 5, page 556, etc., of the record of deeds at New Castle.

"TEN-GUN BATTERY," OPPOSITE FORT DELAWARE.

This reservation contains 62⅛ acres of land, and is situated opposite Fort Delaware (Pea Patch Island) in Red Lion Hundred, New Castle County.

The title is as follows: Deed from Clement Reeves and wife, dated September 12, 1871; recorded September 23, 1871, Deed Record O, Vol. 9, page 10, etc., in deed records of New Castle County.

By an Act of the State Legislature, approved January 30, 1867, consent to said sale was given and jurisdiction ceded as follows:

"SECTION 1. *Be it enacted, etc.*, That Clement Reeves and James B. Henry, both of New Castle County, are hereby authorized and empowered to convey to the United States a certain tract of land, situated in Red Lion hundred, in said county, upon which the United States has recently erected a fortification known as the 'Ten Gun Battery,' and also the road leading from said fortification to the Delaware and Chesapeake Canal.

"SEC. 2. *And be it further enacted*, That jurisdiction over the said land and road purchased by the United States for the purposes aforesaid is hereby ceded to the United States; *Provided, nevertheless*, That all civil and criminal process issued under the authority of this State shall continue to run into and be served and executed in and upon said tract of land and all parts thereof in the same manner as if the jurisdiction had not been granted as aforesaid."

(There does not seem to be any deed from the James B. Henry mentioned in the Act, nor evidence of title in said Henry. No deed for road unless included in land conveyed by Reeves and wife.)

DISTRICT OF COLUMBIA.

BATTLE GROUND NATIONAL CEMETERY.

Area of cemetery, 1.033 acres, and is situated on the east side of the Washington and Rockville Turnpike, near Brightwood, being a portion of a tract of land adjoining old Washington, known as the "Girls' Portion."

The title is as follows: Possession taken, on behalf of the Government, for National Cemetery purposes, by Quartermaster-General M. C.

Meigs in July, 1864. Possession retained and title acquired under the provisions of the Act of Congress, approved February 22, 1867, providing for National Cemeteries. Land appraised, paid for and title passed on petition of the owner, James Mulloy *v.* The United States, filed, presented and confirmed in the Supreme Court of the District of Columbia, July 23, 1868. Cause No. 188, District Court Docket.

COLUMBIA HARMONY ASSOCIATION (BURIAL SITE).

Lots 1 and 2, burial sites. Cemetery situated near Washington. Title derived by sale to the United States from the Columbia Harmony Association. For the care etc., of the graves, the property is in possession of the above-named association under an agreement in writing dated October 1, 1868.

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Area, 4 acres; and is situated in Georgetown, now West Washington. The title is as follows:

Deed from Thomas A. Brooke to the United States, dated September 9, 1815; recorded in Liber A. K. No. 35, folios 3 and 4 of the land records of Washington.

FORD'S THEATER PROPERTY.

This property is situated on the east side of Tenth street, between E and F streets, in the city of Washington; the title being acquired as follows: An Act of Congress, approved April 7, 1866, provided for its purchase from John T. Ford, and under its provisions said John T. Ford conveyed to the United States by deed dated May 12, 1866; recorded in Liber No. 737, Folio 321 of the land records of Washington County, in the District of Columbia. The property conveyed includes the whole of Lot 10 and parts of Lots 9 and 11 in Square No. 377.

Deed from Alex. G. P. Garnett and wife to the United States, dated July 13, 1874; recorded July 17, 1874, in Liber No. 757, Folio 133, of the land records of Washington County, District of Columbia. The Garnett deed conveys a part of Lot 4 in Square 377, in rear of the above Theater property.

SOLDIERS' HOME NATIONAL CEMETERY.

This reservation, containing about 16 acres, was set apart for a place of burial for officers and soldiers, both regular and volunteer, by the Commissioners of the Military Asylum, by Special Order No. 198, dated Adjutant-General's Office, July 25, 1861.

WASHINGTON BARRACKS (FORMERLY WASHINGTON ARSENAL.)

This reservation is situated on Greenleaf's Point, in the city of Washington, and has been occupied for military purposes since 1797. The area of the original reservation was 28 acres 2 roods and 31 poles, and title was acquired as follows: Reservation acquired under Act of July 16, 1790, designating the site of the District of Columbia, and afterwards announced by Executive Order dated July 25, 1798. The area of the

reservation now is about 69 acres; additional land having been purchased under an Act of Congress approved March 3, 1857. The title to the additional lands so purchased is as follows:

1. Deed from John Kean to the United States, dated April 3, 1857; conveying square No. 548; recorded in Liber I. A. No. 147, folios 258 and 259, of the land records for Washington County, District of Columbia.

2. Deed from Thomas Hogan and wife to the United States, dated April 12, 1857, conveying Lot No. 8 in square 548; recorded in Liber I. A. S. No. 147, folios 251, 252, and 253, of the land records of Washington County, in the District of Columbia.

3. Deed from Michael Dooley and wife to the United States, dated April 18, 1857, conveying Lot No. 5, in square 548; recorded in Liber I. A. S. No. 147, folios 260, 261 and 262 of the land records of Washington County in the District of Columbia.

4. Deed from W. H. Phillip to the United States, dated April 18, 1857, conveying Lots 14, 15, 16, 17, 18, 19 and 20 in square 548; recorded in Liber I. A. S., No. 147, folios 262, 263 and 264 of the land records of Washington County in the District of Columbia.

5. Deed from William B. Todd and wife and William H. Phillip to the United States, dated April 18, 1857, conveying square No. 506; all of square south of 506; all of square east of 549; all of square south of 549; all of square west of 604; all of square west of 606; all of square northwest of 606 and also lot 24 of square 505; recorded in Liber I. A. S. No. 149, folios 35, 36 and 37 of the land records of Washington County in the District of Columbia.

6. Deed from James M. Carlisle to the United States, dated April 20, 1857, conveying Lots 1, 2, 3, 21, 22 and 23 in square 548; recorded in Liber I. A. S. No. 147, folios 246 and 247, of the land records of Washington County, in the District of Columbia.

7. Deed from Joseph Moynihen and wife to the United States, dated April 27, 1857, conveying Lot No. 6 in square 548; recorded in Liber I. A. S. No. 147, folios 255, 256 and 257 of the land records of Washington County in the District of Columbia.

8. Deed from Winifred Martin to the United States, dated April 28, 1857, conveying Lot No. 4 in square 548; recorded in Liber I. A. S. No. 149, folios 37, 38 and 39 of the land records of Washington County in the District of Columbia.

9. Deed from William B. Todd and wife to the United States, dated April 28, 1857, conveying Lot No. 9 in square 548; recorded in Liber I. A. S. No. 148, folios 44, 45 and 46 of the land records of Washington County in the District of Columbia.

10. Deed from James E. Johnson and wife to the United States, dated April 29, 1857, conveying all of square east of square 548; all of square east of square east of square 548, and Lots Nos. 10, 11, 12 and 13 in square 548; recorded in Liber I. A. S. No. 147, folios 253, 254 and 255, of the land records of Washington County in the District of Columbia.

11. Deed from William Gunton, Stanislaus Murray, Archibald Henderson, Jacob Gideon, Benjamin F. Middleton, and John F. Callan, surviving trustees of the Bank of Washington, to the United States, dated April 30, 1857; conveying square 549; recorded in Liber I. A. S. No. 147, folios 248 and 249, of the land records of Washington County in the District of Columbia.

12. Deed from John B. Kibbey and wife to the United States, dated May 6, 1857, conveying all of square south of south of square 506; recorded in Liber I. A. S. No. 149, folios 39, 40 and 41 of the land records of Washington County in the District of Columbia.

13. Deed from Samuel Byington and wife to the United States, dated August 7, 1857, conveying Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 25 in square 505; recorded in Liber I. A. S. No. 148, folios 41, 42 and 43 of the land records of Washington County in the District of Columbia.

14. Deed from Buckner Bayliss and wife to the United States, dated October 23, 1857, conveying Lot No. 7 in square 548; recorded in Liber I. A. S. No. 147, folios 249, 250 and 251 of the land records of Washington County in the District of Columbia.

15. Deed from Walter Lenox, trustee, et al., to the United States, dated December 23, 1857, conveying all of square 505; recorded in Liber I. A. S. No. 148, folios 38, 39 and 40 of the land records of Washington County in the District of Columbia.

Washington Arsenal turned over to the Quartermaster's Department and name changed to Washington Barracks May 12, 1881, under authority of General Order No. 46, Adjutant-General's Office, 1881.

For jurisdiction over all the foregoing described property in the District of Columbia, see paragraph 17 of Section 8, Article I, Constitution of the United States, supra.

FLORIDA.

ANASTASIA ISLAND MILITARY RESERVATION.

This reservation is situated in St. John's County near the city of St. Augustine and contains 700 acres being the SE. ¼ of Sec. 21; all of frac. Sec. 22; the NE. ¼ of the NE. ¼ of Sec. 28, and all of Section 27 in township 7, South of range 30 East, and also all the lands formed by the sea since the United States Survey of 1855 lying east of said lands and between the north boundary line prolonged of said SE. ¼ of Sec. 21 and the south boundary line prolonged of Sec. 27, and was reserved by Executive Order, dated May 4, 1893, from the public domain. Jurisdiction was ceded to the United States by deed of the Governor of the State, dated September 4, 1893, recorded in the office of the Secretary of State of the State of Florida, in Mortgage Book A pages 316 to 320 inclusive. Deed executed under authority of an act of the State Legislature approved July 24, 1845, which provides as follows:

"SECTION 1. * * * The United States are hereby authorized and empowered to purchase, acquire, hold, own, occupy and possess such lands within the limits of this State as they shall seek to occupy and hold as sites on which to erect and maintain forts, magazines, arsenals, dock yards and other needful buildings, or any of them, as contemplated and provided in the Constitution of the United States;" * * *

(Section 2 provides for condemnation of lands when price not agreed upon.)

"SEC. 3. * * * Whenever the United States shall contract for, purchase or acquire any land within the limits of this State for the purposes aforesaid in *either* of the modes above mentioned and provided, or shall hold for such purposes lands heretofore lawfully acquired or reserved therefor, and shall desire to acquire constitutional jurisdiction over such land for said purposes, it shall be lawful for the Governor of this State, upon application made to him in writing on behalf of the United States for that purpose, accompanied by the proper evidence of said reservation, purchase, contract, or acquisition of record, describing the land sought to be ceded by convenient metes and bounds,

thereupon, in the name and on behalf of this State, to cede to the United States exclusive jurisdiction over the land so reserved, purchased or acquired and sought to be ceded; the United States to hold, use, occupy, own, possess and exercise said jurisdiction over the same for the purposes aforesaid, and none other whatsoever: *Provided, always*, That the consent aforesaid is hereby given, and the cession aforesaid is to be granted and made as aforesaid, upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the land or lands so to be ceded, and every portion thereof, so far that all process, civil or criminal, issuing under authority of this State, or of any of the courts or judicial officers thereof, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits and extent of land or lands so ceded, in like manner and to like effect as if this law had never been passed; saving, however, to the United States security to their property within said limits and extent, and exemption of the same, and of said land or lands from any taxation under the authority of this State while the same shall continue to be owned, held, used and occupied by the United States for the purposes above expressed and intended, and not otherwise."

FORT BARRANCAS.

This reservation is situated on the north side of Pensacola Harbor, 9 miles southwest of Pensacola, 1 mile from Fort Pickens in Escambia County and contains an area of about 2,500 acres.

The title is as follows: By article 2 of the Treaty of February 22, 1819, with Spain, by which that nation ceded to the United States the territory of the Floridas including "all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property," the fort at Barrancas and its dependencies then occupied as a military work passed to the United States, this nation succeeding to the rights of the Crown. By act of Congress approved April 22, 1826, the lands fronting Pensacola Bay, from the mouth of the Big Bayou to a line below Tarter Point, and thence back to the Bayou, selected by the Navy Commissioners, and all the lands fronting said bay, and for 1 mile back, so far as Grand Lagoon, were reserved from sale or location for the use of the Navy-Yard or depot and for other public works of the United States and by Executive Order, dated January 10, 1838, were reserved for naval purposes. By Executive Order, dated May 11, 1844, a transfer of 1,667 acres, lying adjacent to and at Barrancas and running north to Bayou Grande, was made from the above naval reservation to the military authorities, and this tract constituted the entire military reservation until May 21, 1888, when the boundaries were enlarged by a transfer of another portion of said naval reservation by an Executive Order of that date. By an Executive Order, dated October 2, 1891, the boundaries were again enlarged by a modification of the naval reservation, transferring to the military reservation sufficient land to form the present area. Jurisdiction over "the fort and its dependencies" was acquired under the Treaty of 1819 as well as by the law of nations, the United States succeeding to the rights of the Crown of Spain. Complete and "exclusive" jurisdiction was however ceded to the United States by deed of the Governor of the State dated September 4, 1893, recorded in the office of the Secretary of State of the State of Florida, in Mortgage Book A pages 316 to 320 under the provisions of an act of the State Legislature approved July 24, 1845. (See Anastasia Island for act cited.)

BARRANCAS NATIONAL CEMETERY.

This cemetery contains about 8.56 acres, and is situated on the Naval Reservation near Fort Barrancas, in Escambia County, Fla., being a part of the public domain ceded to the United States by Spain under the provisions of the Treaty of February 22, 1819.

See Fort Barrancas for source of title and Anastasia Island for jurisdiction.

BATTON ISLAND.

This reservation is located south of Fort George's Island, north of St. John's River, and the land westwardly between said island and the inland pass from St. John's to the St. Mary's River for the entire length of the island. Reservation made by order of the Secretary of War, dated March 23, 1849, under authority of an Act of Congress approved June 28, 1832.

CAYO COSTA, OR BOCA GRAND ISLAND.

This reservation includes the north end of the Island for a length of 2 miles from its northern extremity, and is situated at the entrance to Charlotte Harbor, in Lee County. As a part of the public domain it was reserved for military purposes by Executive Order, dated November 29, 1882.

For jurisdiction see Anastasia Island.

CEDAR KEYS (AND FORT HOWARD).

Include the Islands at the mouth of the Suwanee River known as North Key, Snake Key and Sea Horse Key in Levy County, with an area aggregating 319.3 acres.

The title is as follows: Part of the Public Domain reserved by Executive Order, dated March 2, 1840.

For jurisdiction see Anastasia Island.

FORT CLINCH.

Amelia Island, upon the north end of which the above fort is situated, is a large island lying south of the mouth of St. Mary's River, in Nassau County, about 50 miles north of St. Augustine, in Nassau County. The Fort Clinch Military Reservation contained about 919.94 acres under title as follows: Fractional Section No. 8, Township 3, North of Range 29 East, and fractional section No. 11 and Lots 1 and 2 of fractional section No. 14, Township 3, North of Range 28 East reserved from the Public Domain for military purposes by Executive Order, dated February 9, 1842. Area reserved 420 acres.

2. Deed from George R. Fairbanks and wife to the United States, dated October 20, 1849, conveying 100 acres more or less, recorded in the Clerk's Office Nassau County June 20, 1853, in Book D pages 174 to 177.

3. Deed from George R. Fairbanks, Commissioner, etc., to the United States under Decrees of the Nassau Circuit Court May Term 1849—conveying 400 acres and recorded in the Clerk's Office Nassau County, June 20, 1853, in Book D, pages 162 to 174. By Executive Order, dated March 3, 1897, a portion of Lots 1 and 2 of Section 14, Township 3, South

of Range 28 East of Tallahassee Meridian, therein described was relinquished to Interior Department.

For consent to purchase, condemnation and jurisdiction see Anastasia Island.

EGREMONT ISLAND.

This island is situated near the entrance to Tampa Bay and is in Hillsboro County. It was reserved from the public domain for military purposes by Executive Order, dated November 17, 1882, with exception of 15 acres at the north end reserved for Light-House purposes.

For jurisdiction see Anastasia Island.

FLAG ISLAND.

This is a small island at St. George's Sound (West Pass) situated southwest of the Pass or entrance to the Sound in Franklin County, and as a part of the Public Domain was reserved for military purposes by Executive Order, dated November 17, 1882.

For jurisdiction see Anastasia Island.

GASPARILLA ISLAND.

This reservation includes the south end of the Island for a length of two miles from its northern extremity and is situated at the entrance to Charlotte Harbor in De Soto County. As a part of the public domain it was reserved for military purposes by Executive Order, dated November 29, 1882.

For jurisdiction see Anastasia Island.

FORT JEFFERSON.

This reservation contains an area of 7 acres and is situated on Garden Key one of the Tortugas group, being the most southwestern part of the so-called Florida Keys. It is 11 miles from Key West and 500 miles South East of Fort Barrancas.

The title is as follows: All the islands and keys known as Dry Tortugas reserved from the public domain for military purposes by Executive Order, dated September 17, 1845, and jurisdiction was ceded to the United States by deed of the Governor of the State dated September 17, 1846. (Deed among the Fort Jefferson papers in Judge-Advocate-General's Office.) The foregoing described deed executed under authority of an act of the State Legislature approved July 24, 1845.

See Anastasia Island for copy of act.

KEY WEST BARRACKS.

This reservation contains an area of 22.79 acres, and is situated on the Island of Key West, in Monroe County. The title to lands derived as follows: By purchase under authority of act of Congress approved March 2, 1833 and evidenced by—

1. Deed from Mary R. Fleming et al. to the United States, dated December 14, 1833, conveying 14.79 acres, recorded in Liber B, folios 47 to 50 of the Deed records of Monroe county;

2. Deed from Pardon C. Greene to the United States, dated May 4, 1833, conveying lots therein described, recorded in Book B, page 183 of the Deed records of Monroe County; and

3. Deed from James Webb and wife to the United States, dated June 1, 1837, conveying about 8 acres, recorded in Book B, pages 396 to 398

of the deed records of Monroe County. Consent to purchase and jurisdiction ceded by an Act of the State Legislature approved July 8, 1845, as follows:

"SECTION 1. *Be it enacted, etc.*, That the United States be, and they are hereby authorized and empowered to purchase, hold, occupy and possess the tract of land in the preamble above referred to (a tract of land consisting of several parcels, situated on the Island of Key West in Monroe County, between Light-House Point and the City of Key West) as the same, or the extent and limits thereof shall be ascertained, described and conveyed in the instrument or instruments, which shall be executed for the conveyance of the same in pursuance of said negotiations. And the United States may and shall have and exercise exclusive jurisdiction over said tract of land within the extent and limits to be ascertained and described as aforesaid, as well as over any land or site that may be formed or constructed in the contiguous sea, and used and occupied by the United States for said purposes (of erecting and constructing on said land certain fortifications and the improvements connected therewith) in connection with the tract above mentioned, so long as they shall deem it proper to hold and occupy the same for the purposes aforesaid: *Provided*, That nothing herein contained shall be so construed as to prevent or debar the proper officers of the State of Florida from executing any process, civil or criminal, within the limits and extent of said land or lands when ascertained, described, and occupied as aforesaid."

This act was afterwards enlarged by the Act approved July 24, 1845, for which see Anastasia Island.

KEY WEST ISLAND RESERVATION.

This reservation is a portion of the above-named Island and is in Monroe County. The general description is as follows: All the unsurveyed land on Key West, Monroe County, Fla., that lies in Sections 2, 3, 4, 5, 6 and 7 in Township 68 south of Range 25 east of the Principal Meridian. The title is as follows: Part of the public domain reserved for military purposes by Executive Order, dated February 11, 1897, and jurisdiction ceded by an act of the State Legislature approved July 24, 1845. See Anastasia Island.

FORT MARION.

Fort Marion is an old Spanish work said to have been commenced in 1565 and completed in 1756 under the name of Castle of St. Mark. The fort and adjacent lands contain an area of 22 acres, 1 rood, and about 28 rods, and is situated at St. Augustine. The title as well as jurisdiction acquired under the Treaty with Spain of February 22, 1819, but was formally set apart by the President as published in an order of the Secretary of War of March 23, 1849. Upon the admission of Florida, jurisdiction not having been reserved, "exclusive jurisdiction" was ceded by an Act of the State Legislature approved July 24, 1845. See Anastasia Island.

FORT M^cREE.

This reservation contains an estimated area of about 400 acres and is situated at the entrance to Pensacola Bay and embraces so much of the public land as lies within 1 mile of the fort which has been erected

on Foster's Bank, which is nearly opposite to, and west of the west end of Santa Rosa Island. The title is as follows: As part of the public domain it was reserved for military purposes by Executive Order, dated February 9, 1842.

For jurisdiction see Anastasia Island.

MARTELLO TOWER NO. 2 (SITE OF).

Situated on southerly side of the Island of Key West. For area see description in deed. Title was acquired by purchase authorized by the Secretary of War January 23, 1897, and is evidenced by a deed from Frank Livermore et al. to the United States, dated April 28, 1897, and recorded in Book S of Deeds, pages 526 to 529 of the records of Monroe County. Consent to purchase by the United States as also jurisdiction ceded by an Act of the State Legislature approved July 24, 1845, for which see Anastasia Island.

UNITED STATES MILITARY BURIAL GROUND.

This burial lot contains about one-third of an acre and is situated in Tract No. 7, Island of Key West. The title is derived by deed from Euphemia Maloney to the United States, dated February 25, 1897, recorded in Book R R deeds, pages 94 and 95 of the records of Monroe County.

For jurisdiction see Anastasia Island.

MORENO POINT RESERVATION.

This reservation is situated at the entrance of Santa Rosa Sound, so much of the point opposite to, and East of the East end of Santa Rosa Island as lies in Township 2 South, Range 22 west, Washington County; estimated area, 5,958.20 acres. The title is as follows: As part of the public domain it was reserved for military purposes by Executive Order dated February 9, 1842.

For jurisdiction see Anastasia Island.

MULLET ISLAND.

This island is situated near the entrance to Tampa Bay and is in Hillsboro County. The whole island was reserved from the public domain for military purposes by Executive Order, dated November 17, 1882.

For jurisdiction see Anastasia Island.

PENSACOLA MILITARY RESERVATION.

The above reservation contains 269.39 acres and is near Pensacola in Escambia County being Lot 2 of Section 4 and Lots 1 and 2 of Section 9 in Township 3 South of range 29 West and fractional section 1 of Township 3 South of range 30 West. Reserved from the public domain for the future military and naval defence of Pensacola Harbor, Florida, by Executive Order, dated August 21, 1897.

For jurisdiction see Anastasia Island.

POWDER OR MAGAZINE LOT AT ST. AUGUSTINE.

This reservation contains an area of 11⅓ acres and is situated at St. Augustine, Fla. Reserved for military purposes under the provisions

of an Act of Congress approved June 28, 1832, by order of the Secretary of War dated March 23, 1849.

For jurisdiction see Anastasia Island.

ST. ANDREW'S BAY.

This reservation, including Hurricane Island, is situated near the entrance to St. Andrew's Bay in Washington County, Fla. The lands are more particularly described as lots 1 and 2 of Section 4, lots 1, 2, 3, and 4 of Section 5; lots 1 and 2 of Section 6 and fractional sections 8 and 9 of Township 5, South of range 14 West, including Hurricane Island. Also lots 2 and 3 of Section 15; lots 1, 2, 3, 4, and 5 of Section 22; lots 1, 2, 3, and 4 of Section 23; lot 2 of Section 25; lots 1, 2, and 3 of Section 26 and fractional sections 27 and 35 in Township 4, South of range 15 West. The area of surveyed land is 1,503.84 acres and of Hurricane Island, unsurveyed, about 50 acres. Reserved from the Public Domain by Executive Order, dated May 3, 1897.

For jurisdiction see Anastasia Island.

ST. AUGUSTINE NATIONAL CEMETERY.

Formerly the Post Cemetery at St. Augustine, Fla., contained an area of about 0.58 acre.

For jurisdiction see Anastasia Island.

ST. FRANCIS BARRACKS AND HOSPITAL LOT.

This reservation, including the Hospital lot, east of and separated from the barracks by Marine or Barrack Street, contains 5 acres, 2 roods and 127.75 yards, and is situated Southeast of and adjoining St. Augustine, Fla., on Mantanzas River. The title is as follows: Ceded by Spain to the United States under Treaty dated February 19, 1819. Reserved for military purposes under Act of Congress approved June 28, 1832. Formally reserved by Executive Order of October 12, 1838, and February 9, 1842. Deed from Anthelm Gay to the United States, dated June 5, 1827, conveying 480 square yards. Jurisdiction over these reservations was ceded to the United States by deed of the Governor of the State, dated September 4, 1893, recorded in the office of the Secretary of State of the State of Florida in Mortgage Book A, pages 316 to 320, inclusive. See Anastasia Island for Act of State Legislature authorizing deed.

ST. JOSEPH'S BAY RESERVATION.

This reservation includes the whole neck or peninsula forming the Bay of St. Joseph from its northern extremity or Point St. Joseph to its connection with the mainland at the eastern shore of the Bay including Cape San Blas. Title as follows: Reserved for military purposes under the provisions of an Act of Congress approved June 28, 1832, by order of the Secretary of War, dated March 23, 1849.

For jurisdiction see Anastasia Island.

SANTA ROSA ISLAND (FORT PICKENS).

This reservation embraces the whole Island; is unsurveyed. It is situated off the southern end of Santa Rosa County extending along the coast the full width of said county. Fort Pickens on the western

point is 1 mile from Fort Barrancas. Title to the Island was acquired as follows:

Deed from Joseph M. White, Attorney in fact of Henry Michelet, to the United States, dated May 28, 1828, conveying 1,181 acres on the west end of Santa Rosa Island, recorded in Deed Book No. 2 pages 350 and 351 Santa Rosa County Records. (Report on Title shows that the Spaniards always maintained a battery at Fort Arriunado, on the western side of the island opposite Fort Barrancas, for the defense of the entrance to Pensacola Bay, the United States therefore succeeded Spain under the Treaty of 1819.) The Island was reserved for naval purposes by Executive Order, dated April 21, 1838. The west end of Island transferred to War Department, by Executive Order dated May 21, 1888. The reservation modified and extended to include the whole of said Santa Rosa Island by Executive Order, dated July 2, 1888.

For jurisdiction see Anastasia Island.

FORT TAYLOR.

This reservation is situated at the southwestern extremity of the city of Key West, and contains an area of 62.89 acres. The title is as follows:

1. Deed from John Bancroft, Trustee, et al., to the United States, dated October 15, 1845, conveying 11.89 acres, recorded in Deed Book D, pages 86 to 88 of the Deed records of Monroe County.

2. Deed from William C. Greene and Elizabeth M. Greene to the United States, dated December 23, 1845, conveying 29 acres, recorded in Deed Book D, pages 104 to 106 of the deed records of Monroe County.

3. Deed from Hetty Greene to the United States, dated January 6, 1846, quitclaims interest in the 29 acres, recorded in Book D, page 107 of the records of Monroe County. Jurisdiction was ceded by the acts of the State Legislature approved July 8 and July 24, 1845, for which see Key West Barracks for the former and Anastasia Island for the latter act.

4. Deed from John W. Simonton to the United States, dated February 17, 1846, conveying 22 acres, recorded in Deed Book D, pages 131 and 133 of the deed records of Monroe County.

TOWER NO. 1 AT KEY WEST.

This reservation comprises square No. 27 and contains 33 acres and is situated on the southern coast of the Island of Key West. The title is as follows: Taken possession of for military purposes by order of the Secretary of War dated September 21, 1861.

For jurisdiction see Anastasia Island.

TOWER NO. 2 AT KEY WEST.

This reservation is situated at the southeastern extremity of the Island of Key West. The title is as follows: Taken possession of for military purposes by order of the Secretary of War, dated September 21, 1861.

For jurisdiction see Anastasia Island.

TWO ISLANDS NEAR ST. AUGUSTINE.

These are small Islands in the main channel of the Mantanzas River near St. Augustine and contain an area aggregating about 2 acres.

The title is as follows: As part of the public domain were reserved for military purposes by Executive Order dated May 31, 1892.

For jurisdiction see Anastasia Island.

VIRGINIA KEY.

This reservation is situated between Norris Cut and Bear Cut in Biscayne Bay in Dade County, Fla., and includes all the lands unsurveyed that lie in Sections 17 and 20, in Township 54, south of Range 42 east of Principal Meridian. Title is as follows: Part of Public Domain reserved for military purposes by Executive Order, dated February 11, 1897, and jurisdiction ceded by an act of the State Legislature approved July 24, 1845. See Anastasia Island.

GEORGIA.

AUGUSTA ARSENAL.

This reservation lies near the city of Augusta in Richmond County and contains an area of about 119.1 acres. The title is as follows:

1. Deed from George Pearson and wife to James Madison, President of the United States, his successors in office, etc., dated December 9, 1816, conveying 40.6 acres, recorded in Clerk's Office of the Superior Court in Deed Book N folios 564 and 565 of the deed records of Richmond County.

2. Deed from Lucy M. Yarnold late Lucy M. Pearson, Administratrix, and John H. Mason, Administrator, etc., to James Monroe President of the United States, his successors in Office, etc., dated April 12, 1822, conveying 8.5 acres, recorded in the Clerk's Office of the Superior Court in Deed Book R folios 327 to 329 of the deed records of Richmond County.

3. Deed from Freeman Walker to the President of the United States and his successors in Office, dated November 9, 1826, conveying 70 acres, recorded in the Clerk's Office of the Superior Court in Deed Book T folios 152 and 153 of the deed records of Richmond County.

For consent to the purchase and jurisdiction over the 70 acres last above described the act of the State Legislature approved December 26, 1826, provides as follows:

"*Be it enacted, etc.*, That the consent of the legislature of the State of Georgia is hereby granted to a purchase which the United States have lately made from Freeman Walker, of a certain tract of land situated in the County of Richmond, about three miles above the City of Augusta, containing seventy acres, for a site for an arsenal and military establishment, * * * and that the jurisdiction over said tract is herby ceded to the United States: *Provided, however*, That nothing herein contained shall extend, or be construed to extend, so as to impede or prevent the execution of any process, civil or criminal, under the authority of this State."

FORT McPHERSON.

This reservation contains 236.41 acres and is situated south of and 4 miles from the center of the city of Atlanta in Fulton County. The title is as follows:

1. Deed from Lucy S. Beard to the United States, dated September 9, 1885, conveying 15 acres, recorded in the Clerk's Office of the Superior Court, Book Z Z, page 212, of the deed records of Fulton County.

2. Deed from Flavius J. Bomar to the United States, dated September 9, 1885, conveying 26.17 acres, recorded in the Clerk's Office of the Superior Court, Book Z Z, page 216, of the deed records of Fulton County.

3. Deed from Mary S. Connally to the United States, dated September 9, 1885, conveying 24.61 acres, recorded in the Clerk's Office of the Superior Court, Book Z Z, page 215, of the deed records of Fulton County.

4. Deed from Elizabeth S. Silvey to the United States, dated September 9, 1885, conveying 25.76 acres, recorded in the Clerk's Office of the Superior Court, Book Z Z, page 214, of the deed records of Fulton County.

5. Deed from Annie M. Smith to the United States, dated September 9, 1885, conveying 48.55 acres, recorded in the Clerk's Office of the Superior Court, Book Z Z, page 213, of the deed records of Fulton County.

6. Deed from Lemuel P. Grant to the United States, dated August 18, 1885, conveying 23.70 acres, recorded in the Clerk's Office of the Superior Court, Book C 3, page 103, of the deed records of Fulton County.

7. Deed from Aquilla J. Cheney to the United States, dated August 20, 1886, conveying 24.94 acres and a small triangular piece containing about 22,080 square feet, recorded in the Clerk's Office of the Superior Court, in Book C 3, page 101, of the deed records of Fulton County.

8. Deed from Ada L. Moore to the United States, dated August 23, 1886, conveying 23.87 acres, recorded in the Clerk's Office of the Superior Court, Book C 3, page 102, of the deed records of Fulton County.

9. Deed from Mrs. C. C. Niles to the United States, dated August 23, 1886, conveying 23.55 acres, recorded in the Clerk's Office of the Superior Court, Book C 3, page 104, of the deed records of Fulton County.

10. Deed from Mary S. Connally to the United States, dated September 10, 1886, conveying 14,700 square feet, recorded in the Clerk's Office of the Superior Court, Book C 3, page 100, of the deed records of Fulton County.

Jurisdiction over this reservation was ceded to the United States by act of the State Legislature, approved September 14, 1885, as amended by act approved November 19, 1886. The act as amended provides as follows:

"Whereas a bill has passed the House of Representatives in the Congress of the United States providing for the establishment of a military post near the city of Atlanta, in the county of Fulton, in said State, which may become a law before the next meeting of the General Assembly of this State; and whereas, it is needful that this State shall cede to the Government of the United States jurisdiction over such lands as may be acquired for the purpose mentioned: therefore,

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction of this State is hereby ceded to the Government of the United States over any lands, not exceeding two hundred and fifty acres, to which it may acquire title near the city of Atlanta, in said county of Fulton or county of De Kalb, for the purpose mentioned in the preamble of this Act, so long as said land may be used for said purpose: *Provided*, always, That the said transfer of jurisdiction is to be made and granted as aforesaid upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the land or lands so to be transferred, and every portion thereof so far that all process, civil or criminal,

issuing under authority of this State or any of the courts or judicial officers thereof upon any person or persons amenable to the same, within the limits and extent of the land or lands so ceded in like manner and to like effect, as if this Act had never been passed, saving, however, to the United States security to their property within the limits of said lands."

FORT McPHERSON RIFLE RANGE.

This reservation contains about 1,271 acres, and is situated in Carroll and Haralson Counties, near Bremen, Ga. The title was acquired by Deed from J. P. Boatright and R. H. Parker, conveying to the United States by deed, dated January 13, 1896, 1,271 acres reserving a burial lot in the Northeast Corner of tract containing 6,400 square feet. Deed recorded in the Clerk's Office of the Superior Court, Book Z, page 82 of the deed records of Carroll County.

For jurisdiction see Fort McPherson.

FORT OGLETHORPE.

This reservation contains 69,000 square feet and is situated on the west bank of the Savannah River, 3 miles below the City of Savannah. The title is as follows:

Deed from Nichol Trumbull to Thomas Jefferson, President of the United States and his successors in office, dated May 16, 1808, conveying Wharf Lot 12, 200 by 345 feet, recorded in Book B B, folio 162 in the Clerk's Office of Chatham County. Jurisdiction was ceded by an act of the General Assembly of the State of Georgia, approved December 22, 1808, which provides as follows:

"*Be it enacted, etc.*, That from and immediately after the passing of this act the Congress of the United States shall have and maintain jurisdiction in and over all the lands they have purchased, or which have been ceded or otherwise acquired by them, or hereafter may be acquired, for the purpose of erecting Forts or Fortifications in this State: *Provided*, The said United States do or shall cause Forts or Fortifications to be erected thereon."

POINT PETER.

This reservation contains about 720 acres and is situated at the mouth of St. Marys River in Camden County. The title was acquired as follows:

Deed from Samuel Breck, surviving Executor, etc., to the United States, dated January 10, 1818, conveying 720 acres, recorded in Clerk's Office of the Superior Court in Deed Book S, folios 509–511 of the deed records of Camden County.

For jurisdiction, etc., see Fort Oglethorpe. See Appendix, pages 284, 285.

FORT PULASKI.

This reservation contains about 150 acres and is situated 14 miles from Savannah on Cockspur Island. The title is as follows:

1. Deed from Alex. Telfair et al. to the United States, dated March 15, 1830, conveying about 130 acres of Cockspur Island, recorded in the Clerk's Office of Superior Court in Book 22, folios 82 to 85 of the deed

records of Chatham County, (the 20 acres being reserved for public purposes).

2. Act of the State Legislature, approved December 30, 1820, ceding interest of State to remainder, the jurisdiction being also ceded. The Act is as follows:

AN ACT to cede to the United States of America the interest of the State in, and its jurisdiction to certain sites on the Savannah River, whereon Beacons have been erected. (Sec. 19, Princes Digest, p. 155.)

"Whatever right title or interest the State of Georgia may have in or to the sites or parcels of ground, or any of them whereon the United States of America have placed or erected beacons, or beacon lights, on Tybee Island, on Cockspur Island, on the Oyster Bank opposite said Cockspur Island, on the White Oyster Bank, likewise opposite the same, on Long Island and on Elba Island in the Savannah River and likewise the jurisdiction to and over the same be and the same are hereby ceded to and vested in the said United States of America."

See also Fort Oglethorpe. Jurisdiction as also title were also ceded by the following act approved December 27, 1845.

"Whereas, in and by an act of the General Assembly of this State, passed on the second day of December, eighteen hundred and eight, the jurisdiction over all the lands the United States of America had before that day purchased and acquired, and which they might thereafter purchase and acquire, for the purpose of erecting forts or fortifications in this State, was ceded by this State to the United States; and whereas, the United States have, by deed, on the fifteenth day of March, eighteen hundred and thirty, purchased and acquired from Alexander Telfair and sisters, the whole Island aforesaid, (Cockspur Island) with the exception of twenty acres, which by the said deed, and by many others of anterior date, from various grantors, had been reserved for the public use; and whereas, the said United States have erected on the said Island, for the defence of the city and harbor of Savannah, a fort, known as Fort Pulaski, and the whole island being considered necessary for the accommodation of said fort, and the said reserve being of inconsiderable importance:

"SECTION 1. *Be it therefore enacted, etc.*, That the right, title and interest of the State of Georgia, and also the jurisdiction of said State, in, to and over the said reserve of twenty acres, on Cockspur Island, be and the same are hereby ceded and surrendered to the United States of America, *Provided, nevertheless*, That if at any time the said United States of America shall cease to occupy the said Island, for the purpose of fortification, this act shall immediately thereafter become null and void, and the said reserve shall return to, and be reinvested in the State of Georgia for the use of the public."

TYBEE ISLAND.

This reservation contains an area of 216 acres, and is situated at the mouth of the Savannah River about 17 miles from the City of Savannah in Chatham County. The title is as follows:

Deed from John Screeven et al. to the United States, dated May 21, 1875, conveying 210 acres exclusive of the 6 acres used for Light-House purposes, recorded in the Clerk's Office of the Superior Court in Deed Book R R R R, folio 390 of the deed records of Chatham County.

For jurisdiction see Fort Oglethorpe.

ANDERSONVILLE NATIONAL CEMETERY.

This cemetery contains an area of 120 acres and is situated about 1 mile from Andersonville, in Sumter County. Title was acquired as follows:

Taken possession of about May 10, 1865; possession retained for National Cemetery purposes and land appraised, paid for and title confirmed in the United States under the provisions of "An act to establish and to protect National Cemeteries," approved February 22, 1867. Jurisdiction was ceded by an act of the State Legislature approved October 25, 1870, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of the legislature of the State of Georgia is hereby granted to the acquisition, by the United States, by purchase or otherwise, of all that tract or portion of land lying and being in the sixteenth district and second section of Cobb County, containing twenty and one one-hundredth (20 and $\frac{1}{100}$) acres, one part being the south side of lot 1216, the other part being north parts of lot No. 1233 * * * and also, the additional tract or parcel of land containing four and eleven one-hundredths (4 and $\frac{11}{100}$) acres * * * on which said tract or parcel of land is located the National Cemetery at Marietta, in the county of Cobb, and State aforesaid; and also all that tract or parcel of land known and distinguished as lot number one hundred and eighty-one (181) in the twenty-ninth district of Sumter County, State aforesaid, containing two hundred and two and a half (202½) acres, more or less, and on which is located the National Cemetery at Andersonville, in said county and State, and that the jurisdiction over said tracts or parcels of land is hereby ceded to the United States: *Provided, however*, That nothing herein contained shall extend, or be construed to extend, so as to impede or prevent the execution of any process, civil or criminal, under the authority of this State."

MARIETTA NATIONAL CEMETERY.

This reservation contains a total area of about 24 acres and is situated near the city of Marietta, in Cobb County. The title is as follows:

Deed from Henry G. Cole and wife to the United States, dated July 31, 1866, conveying 20.01 acres recorded in the Clerk's Office of the Superior Court in Deed Book A pages 574 and 575 of the Deed Records of Cobb County.

Deed from Henry G. Cole and wife to the United States, dated September 23, 1867, conveying 4$\frac{11}{20}$ acres additional lands, recorded in Clerk's Office of Superior Court in Deed Book A pages 389 and 390 of the deed records of Cobb County.

Deed of relinquishment from Sarah M. Black to the United States, dated January 25, 1870, relinquishing interest in above 4$\frac{11}{20}$ acres recorded in Clerk's Office of Superior Court Deed Book B pages 542 to 544 of the deed records of Cobb County.

For jurisdiction see Andersonville National Cemetery.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

The park proper contains an area of 5,506 acres, and is situated in the counties of Walker and Catoosa, in the State of Georgia. Included

in the Park reservation, but outside of the park proper, are the following, situated in Hamilton County, in the State of Tennessee, viz: Lookout Mountain, 82 acres; Orchard Knob, 7.04 acres; Bragg's Headquarters, 2.50 acres; De Long place, 5.25 acres, and Trueblood's, 50.00 acres. The lands were acquired for the establishment of the Park under the provisions of an Act of Congress approved August 19, 1890. (For additional Park legislation see Acts of Congress approved, March 3, 1891; August 5, 1892; March 3, 1893; October 2, 1893; August 18, 1894; December 15, 1894; March 2, 1895; June 11, 1896; February 26, 1896; May 15, 1896; March 3, 1897, and June 5, 1897.) The title to said several tracts is as follows:

1. Decree of condemnation for part of lot No. 118, in Ninth District, Fourth section, of Walker County, Ga., containing 141.3 acres, in case No. 157, The United States *v.* Stephens E. Kinsey, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891.

2. Decree of condemnation for part of Lot 118, in same District, Section, County, and State, containing 16 acres, in case 158, The United States *v.* Mary L. Cline, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891.

3. Decree of condemnation for part of Lot 119, in same District, Section, County, and State, containing 23.54 acres, in case 150, The United States *v.* John W. Mullis, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891. See also Decree in same cause correcting mistake in name rendered March 30, 1892, in same office.

4. Decree of condemnation for part of Lot 119, in same District, Section, County, and State, containing 132 acres; also part of Lot 120 in Ninth District, Fourth Section, of Catoosa County, containing 9.02 acres, in case No. 159, The United States *v.* George W. Mullis, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891.

5. Decree of condemnation for part of Lot 119, in Ninth District, of Fourth Section, Walker County, containing 9.21 acres; also part of Lot 120 in said District and Section of Catoosa County, Ga., containing 151 acres, in case No. 152, The United States *v.* George W. Kelley, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

6. Deed from George W. Kelley to the United States, dated February 10, 1892, conveying 151 acres of Lot 120, in Ninth District, Fourth Section of Catoosa County; also 9.21 acres in same district and section of Walker County, Ga. Recorded in Clerk's Office of Superior Court in Book H, page 422 of the deed records of Catoosa County.

7. Decree of condemnation for Lot 121, in the Ninth District, Fourth Section, of Catoosa County, Ga., containing 165 acres, in case No. 156, The United States *v.* Dyer Thomas, in the Circuit Court of the United States for the Northern District of Georgia. Appeal taken from award of Appraisers. Judgment and Decree entered June 14, 1893, and filed in Clerk's Office June 14, 1893.

8. Decree of condemnation for Lot 122, in the same District, Section, County, and State, containing 92.63 acres, in case No. 137, The United States *v.* Wm. F. Conner and John Roark, in the Circuit Court of the

United States for the Northern District of Georgia. Decree rendered January 6, 1893, and filed in the Clerk's Office January 6, 1893.

9. Deed from William F. Conner and John Roark to the United States, dated February 11, 1892, conveying part of Lot 122, in same district, Section, County, and State, containing 72.5 acres, including equity in Reed's Bridge or Ringgold road, recorded in Clerk's Office of Superior Court, Book I, pages 42 and 43 of the deed records of Catoosa County.

10. Deed from William F. Conner and John Roark to the United States, dated February 11, 1893, conveying part of Lot 122, in same District, Section, County, and State, containing 85.10 acres, recorded in the Clerk's Office of the Superior Court in Book I, pages 43 and 44 of the deed records of Catoosa County.

11. Decree of condemnation for part of Lot 130, in same District, Section, County, and State, containing 123.13 acres, in case No. 167, The United States *v.* Augustus Peters, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 11, 1892, and filed in the Clerk's Office February 11, 1892.

12. Decree of condemnation for part of Lot 130, in same District, Section, County, and State, containing 40 acres, in case No. 168, The United States *v.* Joseph Peters, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 11, 1892, and filed in the Clerk's Office February 11, 1892.

13. Deed from Joseph Peters and Augustus Peters to the United States, dated February 13, 1892, conveying Lot 130, in same District, Section, County, and State, containing 163.13 acres, recorded in the Clerk's Office of the Superior Court in Book H, page 448 of the deed records of Catoosa County.

14. Decree of condemnation for Lot 131, in same District, Section, County, and State, containing 168.68 acres, in case No. 138, The United States *v.* Benjamin L. Carlock, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891.

15. Deed from Benjamin L. Carlock to the United States, dated February 10, 1892, conveying Lot 131, in same District, Section, County, and State, containing 168.68 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 432, of the deed records of Catoosa County.

16. Decree of condemnation for Lot 132, in same District, Section, County, and State, containing 164.90 acres, in case No. 139, The United States *v.* George A. Thomas et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

17. Deed from Georgia A. Thomas et al. to the United States, dated February 12, 1892, conveying Lot 132, in same District, Section, County, and State, containing 164.90 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 424, of the deed records of Catoosa County.

18. Decree of condemnation for Lot 133, in same District, Section, County, and State, containing 165 acres, in case No. 133, The United States *v.* Joseph C. Kelley, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

19. Deed from Joseph C. Kelley to the United States, dated October 9, 1891, conveying Lot 133, in same District, Section, County, and State, containing 165 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 412, of the deed records of Catoosa County.

20. Decree of condemnation for Lot 134, in Ninth District, Fourth Section, of Walker County, Ga., containing 174.80 acres, in case No. 135, The United States *v.* Samuel T. Osborn, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

21. Decree of condemnation for part of Lot 135 in same District, Section, County, and State, containing 79.80 acres, in Case No. 128, The United States *v.* Elizabeth C. Corbley, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in Clerk's Office December 16, 1891.

22. Decree of condemnation for part of Lot 135 in same District, Section, County, and State, containing 87.08 acres, in Case No. 129, The United States *v.* Milton Corbley, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

23. Deed from Milton, Richmond C., and Elizabeth C. Corbley to the United States, dated October 7, 1891, conveying Lot 135 in same District, Section, County, and State, containing 167 acres, recorded in the Clerk's Office of the Superior Court, Book No. 7, pages 377 and 378, of the deed records of Walker County.

24. Decree of condemation for part of Lot 154 in same District, Section, County, and State, containing 97 acres, in Case No. 134, The United States *v.* Mary J. Merciers et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891.

25. Decree of condemnation for part of Lot 155 in same District, Section, County, and State, containing 14.9 acres, also for part of Lot 170 in same District, etc., containing 24⅝ acres, in Case No. 130, The United States *v.* Lee H. Dyer in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

26. Decree of condemnation for part of Lot 155 in same District, Section, County, and State, containing 150.2 acres, also for part of Lot 170 in same District, etc., containing 104⅛ acres, in Case No. 131, The United States *v.* S. B. Dyer, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in Clerk's Office December 17, 1891.

27. Deed from Sillsbee Dyer et al. to the United States, dated October 7, 1891, conveying Lot 155, containing 165 acres, and Lot 170, containing 178 acres, both in said same District, Section, County, and State, recorded in the Clerk's Office of the Superior Court, Book No. 7, pages 375 to 377, of the deed records of Walker County.

28. Decree of condemnation for Lot 156, in Ninth District, Fourth Section of Catoosa County, Ga., containing 152.96 acres, in Case No. 136, The United States *v.* I. W. McConnell and James W. Crouch, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

29. Decree of condemnation for part of Lot 157, in same District, Section, County, and State, containing 121.25 acres, in Case No. 140, The United States *v.* Mary Freeman, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in Clerk's Office December 17, 1891.

30. Deed from Mary V. Bird, formerly Mary V. Freeman, to the United States, dated February 12, 1892, conveying part of Lot 157, containing 121.25 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 434, of the deed records of Catoosa County.

31. Decree of condemnation for part of Lot 157, in the same District, Section, County, and State, containing 40 acres, in Case No. 141, The United States *v.* A. C. Stone and J. M. Jones, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

32. Deed from Adrian C. Stone and James M. Jones to the United States, dated February 12, 1892, conveying part of Lot 157, in same District, Section, County, and State, containing 40 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 426, of the deed records of Catoosa County.

33. Decree of condemnation for Lot 158, in the same District, Section, County, and State, containing 163.56 acres, in Case No. 142, The United States *v.* Don Cameron Reed, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

34. Deed from D. C. Reed to the United States, dated February 10, 1892, conveying Lot 158 in same District, Section, County, and State, containing 163.56 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 431, of the deed records of Catoosa County.

35. Decree of condemnation for part of Lot 159 in same District, Section, County, and State, containing 8.50 acres, in Case No. 169, The United States *v.* Edgar L. Park, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 11, 1892, and filed in the Clerk's Office February 11, 1892.

36. Deed from Edgar L. Park to the United States, dated February 10, 1892, conveying part of Lot 159 in same District, Section, County, and State, containing 80.50 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 452, of the deed records of Catoosa County.

37. Decree of condemnation for part of Lot 159 of the same District, Section, County, and State, containing 80.50 acres, in Case No. 171, The United States *v.* N. White Smith, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 10, 1892, and filed in the Clerk's Office February 10, 1892.

38. Deed from N. White Smith to the United States, dated February 10, 1892, conveying part of Lot 159 in same District, Section, County, and State, containing 80.50 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 456, of the deed records of Catoosa County.

39. Decree of condemnation for part of Lot 167 in same District, Section, County, and State, containing 37.05 acres, in Case No. 151, The United States *v.* Joseph W. Osborn, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

40. Decree of condemnation for part of Lot 166, in same District, Section, County, and State, containing 84.04 acres, in Case No. 166, The United States *v.* Joseph W. Osborn in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 10, 1892, and filed in the Clerk's Office February 10, 1892.

41. Deed from Joseph W. Osborn to the United States, dated February 13, 1892, conveying part of Lot 167 in same District, Section, County, and State, containing 37.50 acres, also part of Lot 166 same District, etc., containing 84.04 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 454, of the deed records of Catoosa County.

42. Decree of condemnation for part of Lot 167 in same District, Section, County, and State, containing 78.41 acres, in Case No. 144,

The United States *v.* William F. Conner, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered January 6, 1893, and filed in the Clerk's Office January 6, 1893.

43. Deed from William F. Conner to the United States, dated March 27, 1893, conveying part of Lot 167 in same District, Section, County, and State, containing 78.41 acres, recorded in the Clerk's Office of the Superior Court, Book I, pages 40–41, of the deed records of Catoosa County.

44. Decree of condemnation for part of Lot 167 in same District, Section, County, and State, containing 49.8 acres, in Case No. 143, The United States *v.* John C. Speers, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

45. Deed from John C. Speers to the United States, dated February 10, 1892, conveying part of Lot 167 in same District, Section, County, and State, containing 49.80 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 445, of the deed records of Catoosa County.

46. Decree of condemnation for Lot 168 in same District, Section, County, and State, containing 163 acres, in Case No. 145, The United States *v.* Geo. W. Brotherton et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 18, 1891. See also Decree in same cause amending former Decree, rendered May 3, 1892, and filed with original Decree.

47. Deed from James L. Brotherton et al. to the United States, dated February 12, 1892, conveying Lot 168 in same District, Section, County, and State, containing 163 acres. Recorded in Clerk's Office of the Superior Court, Book H, page 513, of the deed records of Catoosa County.

48. Quitclaim Deed from Wm. J. Brotherton to the United States, dated April 25, 1892, conveying Lot 168 of the same District, Section, County, and State, containing 160 acres. Recorded in the Clerk's Office of the Superior Court, Book H, page 516, of the deed records of Catoosa County.

49. Decree of condemnation for Lot 169 in the same District, Section, County, and State, containing 159.38 acres in Case No. 127. The United States *v.* George W. Brotherton et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

50. Deed from James L. Brotherton et al. to the United States, dated October 9, 1891, conveying Lot 169 in the same District, Section, County, and State, containing 160 acres. Recorded in the Clerk's Office of the Superior Court, Book H, page 410, of the deed records of Catoosa County.

51. Decree of condemnation for part of Lot 170 in the Ninth District, Fourth Section of Walker County, Ga., containing 49⅛ acres, in Case No. 132, The United States *v.* William M. Ireland, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

52. Deed from Charles J. Osburn to the United States, dated June 25, 1892, conveying part of Lot 170 in same District, Section, County, and State, containing 8 acres and reversionary interest in right of way occupied by Chattanooga, Rome and Columbus Railroad. Recorded in Clerk's Office of Superior Court, Book No. 8, pages 358 and 359, of the deed records of Walker County.

53. Deed from Julia A. Rush to the United States, dated May 25, 1892, conveying part of Lot 171, same District, Section, County, and State, containing 6.93 acres less a right of way granted to the Chattanooga, Rome and Columbus Railroad Company, 60 feet wide and 671 feet long, also conveys reversionary interest in said right of way. Recorded in the Clerk's Office of the Superior Court, Book No. 8, pages 356 to 358 of the deed records of Walker County.

54. Deed from W. M. Weathers to the United States, dated October 8, 1892, conveying part of Lot 171 of the same District, Section, County, and State, containing 20,600 square feet, known as Lot 1, Battlefield Station. Recorded in the Clerk's Office of the Superior Court, Book No. 8, pages 413 and 414 of the deed records of Walker County.

55. Decree of condemnation for part of Lot 191 in same District, Section, County, and State, containing 3.9 acres; also part of Lot 190, same District, etc., containing 0.93 acre, in Case No. 174, The United States *v.* Mary Weathers, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 10, 1892, and filed in the Clerk's Office February 10, 1892. See also Decree in same case amending former Decree, rendered May 3, 1892, and filed with original decree.

56. Decree of condemnation for part of Lot 191 in same District, Section, County, and State, containing 185 acres, Case No. 155, The United States *v.* George W. Brotherton, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891.

57. Deed from George W. Brotherton to the United States, dated February 10, 1892, conveying part of Lot 191, in same District, Section, County, and State, containing 185 acres, and also his reversionary interest in the land occupied by the Chattanooga, Rome and Columbus Railroad.. Recorded in the Clerk's Office of the Superior Court, Book No. 8, pages 274 and 275 of the deed records of Walker County.

58. Decree of condemnation for Lot 192 in Ninth District, Fourth Section of Catoosa County, Ga., containing 173.80 acres, in Case No. 162, The United States *v.* J. A. Gross et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 11, 1892, and filed in the Clerk's Office February 11, 1892.

59. Decree of condemnation for Lot 193 in same District, Section, County, and State, containing 183.31 acres, in Case No. 149, The United States *v.* Sarah E. Case et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

60. Deed from Frank P. Case et al. to the United States, dated February 10, 1892, conveying Lot 193 in same District, Section, County, and State, containing 183.31 acres. Recorded in Clerk's Office of the Superior Court, Book H, page 443 of the deed records of Catoosa County.

61. Deed from James C. Gordon to the United States, dated February 10, 1892, conveying Lot 193 in same District, Section, County, and State, containing "all interest," etc. Recorded in the Clerk's Office of the Superior Court, Book H, page 447 of the deed records of Catoosa County.

62. Decree of condemnation for Lot 194 in same District, Section, County, and State, containg 170 acres, in Case No. 148, The United States *v.* James C. Gordon, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 17, 1891, and filed in the Clerk's Office December 17, 1891.

63. Decree of condemnation for part of Lot 195, in same District, Section, County, and State, containing 135.91 acres; also part of Lot 166 in same District, etc., containing 82 acres. Also part of Lot 203 in same District, etc., containing 92 acres, in Case No. 163, The United States *v.* James C. Gordon, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 11, 1892, and filed in the Clerk's Office February 11, 1892. See also agreement between J. C. Gordon and U. S. Agent filed in said cause reserving creek and water power, etc., dated November 25, 1891.

64. Deed from James C. Gordon to the United States, dated August 2, 1892, conveying part of Lot 194, in same District, Section, County, and State, containing 170 acres; also part of Lot 195, in same District, etc., containing 135.91 acres; also part of Lot 203, in same District, etc., containing 92 acres; also part of Lot 166, in same District, etc., containing 82 acres. Recorded in the Clerk's Office of the Superior Court, Book H, page 524 of the deed records of Catoosa County.

65. Decree of condemnation for part of Lot 204 in same District, Section, County, and State, containing 79.23 acres, in Case No. 172, The United States *v.* Caroline Thedford et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 12, 1892, and filed in the Clerk's Office February 12, 1892. See also Decree in the same case amending former Decree, rendered May 3, 1892, and filed with original decree.

66. Decree of condemnation for part of Lot 205 in same District, Section, County, and State, containing 0.38 acre, in Case No. 160, The United States *v.* The Crawfish Springs Land Company, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

67. Decree of condemnation for part of Lot 205 in same District, Section, County, and State, containing 76.55 acres, in Case No. 146, The United States *v.* Samuel W. Devine, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered May 21, 1892, and filed in the Clerk's Office May 21, 1892.

68. Deed from Samuel W. Devine to the United States, dated March 14, 1892, conveying part of Lot 205 in said District, Section, County, and State, containing 76.55 acres. Recorded in the Clerk's Office of the Superior Court, Book H, page 518 of the deed records of Catoosa County.

69. Decree of condemnation for part of Lot 206 in Ninth District, Fourth Section of Walker County, Ga., containing 80.72 acres, in Case No. 154, The United States *v.* James R. Horton, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 18, 1891, and filed in the Clerk's Office December 18, 1891.

70. Deed from James B. Horton to the United States, dated April 16, 1892, conveying part of Lot 206 in same District, Section, County, and State, containing 79.72 acres. Recorded in the Clerk's Office of the Superior Court, Book No. 8, pages 276 and 277 of the deed records of Walker County.

71. Decree of condemnation for part of Lot 206, in same District, Section, County, and State, containing 10 acres, in Case No. 175, The United States *v.* Mary Weathers et al. in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 12, 1892, and filed in Clerk's Office February 12, 1892.

72. Decree of condemnation for part of Lot 206, in same District, Sec-

tion, County, and State, containing 80.72 acres, in Case No. 153, The United States *v.* W. M. Ireland, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered December 16, 1891, and filed in the Clerk's Office December 16, 1891.

73. Deed from W. M. Ireland to the United States, dated February 10, 1892, conveying part of Lot 206, of the same District, Section, County, and State, containing 80.72 acres, recorded in the Clerk's Office of the Superior Court, Book No. 8, pages 162 and 163 of the Deed records of Walker County.

74. Decree of condemnation for part of Lot 227, in same District, Section, County, and State, and part of Lot 228, in same District and Section of Catoosa County, Ga., containing 57 acres, in Case No. 161, The United States *v.* The Crawfish Springs Land Co., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 11, 1892, and filed in the Clerk's Office February 11, 1892. See also Decree in same case amending former Decree, rendered March 30, 1892, and filed with original Decree.

75. Decree of condemnation for part of Lot 205, in Ninth District, Fourth Section of Catoosa County, Ga., containing 76.17 acres; also part of Lot 228 in same District, etc., containing 37 acres, in consolidated cases Nos. 147 and 170, The United States *v.* John T. Scott et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered June 23, 1893, and filed in the Clerk's Office June 23, 1893.

76. Decree of condemnation for part of Lot 229, of the same District, Section, County, and State, containing 90.50 acres, in Case No. 173, The United States *v.* Samuel Hall et al., in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 12, 1892, and filed in the Clerk's Office February 12, 1892. See also Decree in same case amending former Decree, rendered May 3, 1892, and filed with original Decree.

77. Decree of condemnation for part of Lot 230, in same District, Section, County, and State, containing 155.54 acres, in Case No. 164. The United States *v.* Jeptha F. Hunt, in the Circuit Court of the United States for the Northern District of Georgia. Decree rendered February 11, 1892, and filed in the Clerk's Office February 11, 1892.

78. Deed from Jeptha F. Hunt to the United States, dated February 27, 1892, conveying part of Lot 230, in same District, Section, County, and State, containing 155.54 acres, recorded in the Clerk's Office of the Superior Court, Book H, page 441 of the deed records of Catoosa County.

79. Deed from J. J. Myers and wife to the United States, dated April 5, 1893, conveying an undivided half interest in $3\frac{3}{4}$ acres, in Hamilton County, Tenn. (Orchard Knob). Deed and Plat entered in Notebook No. 7, page 527, and recorded in Book M, Vol. 5, page 15, et seq., of the deed records of Hamilton County.

80. Deed from the McCallie Avenue Land and Improvement Company to the United States, dated April 6, 1893, conveying 3.7 acres, in Hamilton County, Tenn. (Orchard Knob.) Deed and Plat entered in Notebook No. 7, page 527, and recorded in Book M, Vol. 5, page 18 et seq., of the deed records of Hamilton County.

81. Deed from Mary Anderson et al. to the United States, dated April 20, 1893, conveying an undivided interest in $3\frac{3}{4}$ acres, in Hamilton County, Tenn. (Orchard Knob.) Deed and Plat entered in Notebook No. 7, page 527, and recorded in Book M, Vol. 5, page 11 et seq., of the deed records of Hamilton County.

82. Deed from The Bragg Hill Land Company to the United States, dated March 16, 1893, conveying about 2.50 acres, therein described, in Hamilton County, Tenn. (Bragg's Headquarters.) Deed and Plat entered in Notebook No. 7, page 477, and recorded in Book K, Vol. 5, page 28 et seq., of the deed records of Hamilton County.

83. Deed from Kate M. James et al. to the United States, dated December 19, 1892, conveying 5.25 acres therein described, in Hamilton County, Tenn. (De Long Place, Missionary Ridge.) Deed and Plat entered in Notebook No. 7, page 397, and recorded in Book G, Vol. 5, page 73 et seq., of the deed records of Hamilton County.

84. Deed from Jesse D. Trueblood and wife to the United States, dated December 8, 1894, conveying 17.70 acres, excepting Lots 5, 6, 62, and 63, therein described, in Hamilton County, Tenn. (Trueblood's.) Deed, etc., entered in Notebook No. 8, page 190, and recorded in Book X, Vol. 5, page 322 et seq., of the deed records of Hamilton County.

85. Deed from C. A. Crow and wife to the United States, dated November 21, 1894, conveying 12 acres in Hamilton County, Tenn. Deed, etc., entered in Notebook No. 8, page 166, and recorded in Book X, Vol. 5, page 54 et seq., of the deed records of Hamilton County.

86. Deed from Philomene P. Myer to the United States, dated November 26, 1894, conveying Lots 5 and 6 in Trueblood's subdivision of Sherman Heights, in Hamilton County, Tenn. Deed, etc., entered in Notebook No. 8, page 203, and recorded in Book X, Vol. 5, page 464 et seq., of the deed records of Hamilton County.

87. Deed from the Covenant Building and Law Association to the United States, dated March 5, 1895, conveying Lots 62 and 63, in Trueblood's subdivision, etc., Hamilton County, Tenn. Deed, etc., entered in Notebook No. 8, p. 203, and recorded in Book X, Vol. 5, page 466 et seq., of the deed records of Hamilton County.

88. Deed from John A. Moore and wife to the United States, dated November 22, 1894, conveying about 15.75 acres on Missionary Ridge, in Hamilton County, Tenn. Deed, etc., entered in Notebook No. 8, page 166, and recorded in Book X, Vol. 5, page 51 et seq., of the deed records of Hamilton County.

89. Deed from Mrs. N. J. McMillin to the United States, dated September 4, 1896, conveying 35.8 acres of land; also right of way over the land held as an easement; and also all interest in lands lying between the Chattanooga and Lookout Mountain Railway and the base of the west bluff of Lookout Mountain, in Hamilton County, Tenn. Deed entered in Notebook No. 8, page 369, and recorded in Book F, Vol. 6, page 712 et seq., of the deed records of Hamilton County.

90. Deed from W. G. E. Cunnyngham and wife et al. to the United States, dated September 4, 1896, conveying 46.26 acres of land in the Seventeenth District of Hamilton County, Tenn. Deed entered in Notebook No. 8, page 384, and recorded in Book H, Vol. 6, page 339 et seq., of the deed records of Hamilton County.

91. Deed from E. W. Wallace and wife to the United States, dated December 21, 1896, conveying 144,000 square feet of land in the Seventeenth District of Hamilton County, Tenn. Deed entered in Notebook No. 8, page 384, and recorded in Book H, Vol. 6, page 338 et seq., of the deed records of Hamilton County.

Jurisdiction over that part of the Park and the roads situated in the State of Georgia was ceded by Acts of the State Legislature approved November 19, 1890, December 9, 1893, and December 3, 1895. These acts provide as follows:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction of this State is hereby ceded to the United States of America over all such lands

and roads as are described and referred to in the foregoing preamble to this act, which lie within the territorial limits of this State, for the purposes of a National Park, or so much thereof as the National Congress may deem best: *Provided*, That this cession is upon the express condition that the State of Georgia shall so far retain a concurrent jurisdiction with the United States over said lands and roads as that all civil and criminal process issued under the authority of this State may be executed thereon in like manner as if this act had not been passed; and upon the further express conditions that the State shall retain its civil and criminal jurisdiction over persons and citizens in said ceded territory as over other persons and citizens in this State, and the property of said citizens and residents thereon, except lands and such other property as the General Government may desire for its use; and that the property belonging to persons residing within said ceded territory shall be liable to State and county taxes, the same as if they resided elsewhere, and that citizens of this State in said ceded territory shall retain all rights of State suffrage and citizenship: *Provided, further*, That nothing herein contained shall interfere with the jurisdiction of the United States over any matter or subjects set out in the act of Congress establishing said National Park, approved August nineteenth, eighteen hundred and ninety, or with any laws, rules, or regulations that Congress may hereafter adopt for the preservation and protection of its property and rights in said ceded territory and the proper maintenance of good order therein: *Provided, further*, That this cession shall not take effect until the United States shall have acquired title to said lands." (Act of November 19, 1890.)

"SECTION 1. *Be it enacted, etc.*, That from and immediately after the passage of this act the jurisdiction of the State of Georgia is ceded to the United States of America over a strip of fifty feet in width beginning at or within the corporate limits of the town of Chickamauga and running northwardly and east of the railway known as Chattanooga, Rome and Columbus Railroad, on such route as now or may hereafter be located and adopted by the said United States of America, to the Chickamauga and Chattanooga National Park boundary; also over another strip of land fifty feet wide, beginning on the Lafayette and Rossville public road at east end of the Rossville Gap, in Missionary Ridge, and running to a point on the Missionary Ridge Crest road near the crossing of that road by the boundary line between Georgia and Tennessee, on such route as now or may hereafter be located and adopted by the said United States of America, for the purpose of constructing and maintaining public roads thereon: *Provided*, That concurrent jurisdiction is retained by the State of Georgia on said ceded lands for the purpose of the administration of the criminal and civil laws of the State of Georgia and for the purpose of the execution of civil and criminal process of its courts: *Provided, further*, That this cession shall not take effect until the United States shall have acquired right of way for said purposes." (Act of December 9, 1893.)

"SECTION I. *Be it therefore hereby enacted, etc.*, That on and after the passage of this act the jurisdiction of this State is hereby ceded to the United States of America over all such tracts of land as are described in the foregoing preamble (and any other tract or tracts which may be acquired by the United States of America in the said counties of Walker and Catoosa, in said State of Georgia, for park purposes) whenever title thereto shall have been acquired by the United States.

"SEC. II. *Be it further hereby enacted, etc.*, That the jurisdiction of this State is hereby ceded to the United States of America over the

following-described public roads, approaches to said National Park, to wit: The road leading from Chickamauga, Georgia, by way of Pond Spring Post-office and Gower's Ford to the Davis Cross Roads; also the road leading from Lee and Gordon's Mill, by way of Rock Springs Post-office, to the court-house in the town of Lafayette, Georgia; also the road from Glass' Mill to the Lafayette and Lee and Gordon's Mill road, intersecting the said Lafayette road near the present home place of J. J. Jones—all of said roads as now located: *Provided*, That this cession contained in this and the preceding section is upon the expressed condition that the State of Georgia shall so far retain a concurrent jurisdiction with the United States over said lands and roads as that all civil and criminal process, issued under the authority of this State may be executed thereon in like manner as if this act had not been passed, and upon the further expressed condition that the State shall retain a civil and criminal jurisdiction over persons and citizens in said ceded territory as over other persons and citizens of said State, and the property of said citizens and residents thereon, except lands and such other property as the General Government may desire for its use, and that the property belonging to persons residing in said ceded territory shall be liable to State and county taxes the same as if they resided elsewhere in said State, and that citizens of said State in said ceded territory shall retain all rights of State suffrage and citizenship: *Provided further*, That nothing herein contained shall interfere with the jurisdiction of the United States over any matter or subjects set out in the acts of Congress establishing said National Park, approved August nineteenth, eighteen hundred and ninety, or with any law, rules, or regulations that Congress may hereafter adopt for the preservation or protection of its property and rights in said ceded territory and the proper maintenance of good order therein: *Provided further*, That the cession shall not take effect until the United States shall, in the case of lands, have acquired titles thereto, and in the case of roads, provided for their improvement, and shall have filed a plat or map of the property so acquired in the office of the secretary of state." (Act of December 3, 1895.)

Jurisdiction over that portion of the National Park and the roads situated in the State of Tennessee was ceded by the following Acts of the Legislature of said State, approved January 30, 1891, and January 24, 1895, which provide as follows:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction of this State is hereby ceded to the United States of America over all such roads as are described and referred to in the foregoing preamble to this act which lie within the territorial limits of this State, for the purposes of a National Park, or so much thereof as the National Congress may deem best: *Provided*, That this cession is upon the express condition that the State of Tennessee shall so far retain a concurrent jurisdiction with the United States over said roads as that all civil and criminal process issued under the authority of this State may be executed thereon in like manner as if this act had not been passed: *Provided further*, That nothing herein contained shall interfere with the jurisdiction of the United States over any matter or subjects set out in the act of Congress establishing said National Park, approved August nineteenth, eighteen hundred and ninety, or with any laws, rules, or regulations that Congress may hereafter adopt for the preservation and protection of its property and rights on said ceded roads and the proper maintenance of good order thereon." (Act of January 30, 1891.)

"SECTION 1. *Be it enacted by the general assembly of the State of Tennessee*, That the jurisdiction of this State is hereby ceded to the United States of America over all such tracts of land as have been acquired by the United States for the purpose named, and over such similar tracts of land as may be acquired in said Hamilton County for park purposes, whenever the title thereto shall have been acquired by the United States.

"*Provided*, That this cession is upon the express condition that the State of Tennessee shall so far retain a concurrent jurisdiction with the United States over said lands and roads as that all civil and criminal process issued under the authority of the State may be executed thereon in like manner as if this act had not been passed.

"*Provided further*, That nothing herein contained shall interfere with the jurisdiction of the United States over any matters or subjects set out in the act of Congress establishing said National Park, approved August nineteenth, eighteen hundred and ninety, or with any laws, rules, or regulations that Congress may hereafter adopt for the preservation and protection of its property and rights on said lands and roads and the proper maintenance thereof.

"*Provided further*, That this cession shall not take effect until the United States shall have acquired title to said lands and roads." (Act of January 24, 1895.)

IDAHO.

BOISE BARRACKS.

This reservation contains 636.35 acres and is situated adjacent to Boise City, in Ada County, and as a part of the public domain was reserved for military purposes by Executive Order, dated April 9, 1873. Jurisdiction was ceded to the United States by an Act of the State Legislature, approved February 7, 1891, which provides as follows:

"SECTION 1. That pursuant to article one, section eight, paragraph seventeen, of the Constitution of the United States, consent to purchase is hereby given and exclusive jurisdiction ceded to the United States over and with respect to all lands embraced within the military posts and reservations of Fort Sherman and Boise Barracks, together with such other lands in the State as may be now or hereafter acquired and held by the United States for military purposes, either as additions to the said posts or as new military posts or reservations which may be established for the common defense; and, also, all such lands within the State as may be included in the territory of the Yellowstone National Park, reserving, however, to this State a concurrent jurisdiction for the execution upon said lands, or in the buildings erected thereon, of all process, civil or criminal, lawfully issued by the courts of the States and not incompatible with this cession."

FORT SHERMAN.

This reservation contains 989.90 acres and is situated on Coeur d'Alene Lake at the outlet of Spokane River, in Kootenai County. Post established at Coeur d'Alene April 16, 1878, and name changed to Fort Sherman April 12, 1887. Being part of the public domain it was reserved for military purposes by Executive Order, dated August 25, 1879; April 22, 1880, and May 26, 1891.

For jurisdiction see Boise Barracks.

ILLINOIS.

ROCK ISLAND ARSENAL.

This reservation, embracing the entire island of Rock Island, contains 896.62 acres and is situated in the Mississippi River adjacent to the City of Rock Island, in Rock Island County. The title to the island was acquired through a Treaty with the Chiefs of the Sac and Fox tribes of Indians made by Gen. William Henry Harrison, Governor and Superintendent of Indian affairs for the Territory of Indiana and District of Louisiana, at St. Louis, Mo., in November, 1804, but the reservation for military purposes derives its validity from the Act of June 14, 1809. Possession was taken as early as May 10, 1816, barracks built, and afterwards a defensive work called Fort Armstrong. This occupation continued until 1836, at which time the island was placed in charge of Indian Agents, who remained in charge until 1840, when the War Department resumed possession, repaired some of the buildings of Fort Armstrong, established an Ordnance depot, and continued in possession of the island until 1844, when by an Act of Congress approved April 2, 1844, George Davenport was authorized to enter and purchase the SE. fractional quarter of Sec. 25, T. 18, N. R. 2 W. of the fourth Principal Meridian (he afterwards receiving patent therefor), area 157.81 acres, and by an Act of Congress, approved January 24, 1855, David B. Sears was authorized to enter and purchase the E. ½ of SW. fractional quarter of fractional Section 29, containing 28.10 acres, and the SE. fractional quarter of same fractional Section containing 3.26 acres, same Township and Range, in order to secure to him the full and complete use of the water power on the north side of the island, patent issuing to him therefor; such was the status of title when the Act of Congress making provision for the establishment of national arsenals was approved July 11, 1862. It becoming necessary to again have control of the whole island, Congress by an Act approved April 19, 1864, provided for the acquisition of such parts of the island as had been sold, and also for the extinguishment of all claims of title to property therein, and in accordance with the provisions of said Act, which was supplemented by the Act of Congress approved June 27, 1866, possession was taken of said portions and title acquired as follows:

1. Decree of condemnation for the SE. fractional quarter of Sec. 25, T. 18, N. R. 2 W. of the fourth Principal Meridian in a certain Chancery proceeding in the Circuit Court of the United States for the Northern District of Illinois, entitled George L. Davenport and Susan M. Goldsmith *v.* The United States. Decree rendered May 2, 1867, and filed with the record in the Clerk's Office of said Court.

2. Decree of condemnation for Lot No. 5, in Block No. 15, in Island City subdivision No. 1 to Moline upon Rock Island, in a certain Chancery proceeding in the Circuit Court of the United States for the Northern District of Illinois, entitled Nels Johnson *v.* The United States. Decree rendered May 13, 1867, and filed with the record in the Clerk's Office of said Court.

3. Decree of condemnation for Lots Nos. 16, 17, 18, 19, and 20, in Block No. 10, in Island City subdivision No. 1 to the town of Moline upon Rock Island, in a certain chancery proceeding in the Circuit Court of the United States for the Northern District of Illinois, entitled Daniel Jones *v.* The United States. Decree rendered May 13, 1867, and filed with the record in the Clerk's Office of said Court.

4. Decree of condemnation for Lot No. 4, in Block No. 11, in Island City subdivision No. 1 to Moline upon Rock Island, in a certain chancery proceeding in the Circuit Court of the United States for the Northern District of Illinois, entitled Peter Peterson *v.* The United States. Decree rendered May 13, 1867, and filed with the record in the Clerk's Office of said Court.

5. Decree of condemnation for Lot No. 13, in Block No. 10, in Island City subdivision No. 1 to Moline upon Rock Island, in a certain chancery proceeding in the Circuit Court of the United States for the Northern District of Illinois, entitled James Robinson *v.* The United States. Decree rendered May 13, 1867, and filed with the record in the Clerk's Office of said Court.

6. Decree of condemnation for Lots Nos. 1 and 2, Block No. 13, and Lots Nos. 4, 5, and 6, in Block No. 12, in Island City subdivision No. 1 of Moline upon Rock Island, in a certain chancery proceeding entitled George Stephens, Jonathan Houtoon, and Timothy Wood, partners, etc., *v.* The United States. Decree rendered May 13, 1867, and filed with the record in the Clerk's Office of said Court.

7. Decree of condemnation for Lot No. 8, in Block No. 9, in Island City subdivision of Moline upon Rock Island, in a certain chancery proceeding entitled Robert Welch *v.* The United States. Decree rendered May 13, 1867, and filed with the record in the Clerk's Office of said Court.

8. Decree of condemnation for Wilson's Island, in the Mississippi River, in Secs. 35 and 36, in T. 18, N. R. 2 W., fourth Principal Meridian, containing 7.60 acres, a certain Bridge Roadway and embankment and approaches leading thereto from the City of Rock Island across Wilson's Island, etc., in a certain chancery proceeding entitled The City of Rock Island *v.* The United States. Decree rendered April 22, 1867, and filed with the record in the Clerk's Office of said Court.

9. Decree of condemnation for a certain Bridge and Roadway connecting the head of Rock Island with Mill street in the Town of Moline on the main shore (Provision for free use of streets of Moline connecting with the Bridge, right to repair or construct new bridge, etc.), in a certain chancery proceeding entitled The Town of Moline *v.* The United States. Decree rendered May 13, 1867, and filed with the record in the Clerk's Office of said Court.

10. (Viaduct.) Deed from the Chicago, Rock Island and Pacific Railway Company and the Chicago, Burlington and Quincy Railway Company to the United States, dated December 23, 1890, conveying the right of way for a viaduct, etc. Deed recorded in Book 87, page 460, of the deed records of Rock Island County.

11. (For same.) Deed from the Moline and Rock Island Railroad Company to the United States, dated January 19, 1890, ceding a portion of its right of way. Deed recorded in Book 87, page 469, of the deed records of Rock Island County.

12. (For same.) Deed from the St. Louis, Rock Island and Chicago Railroad Company to the United States, dated January 23, 1891, conveying portion of its right of way. Deed recorded in Book 87, page 465, of the deed records of Rock Island County.

13. (For same.) Deed from the City of Rock Island to the United States, dated December 17, 1890, conveying right of way. Deed recorded in Book 87, page 453, of the deed records of Rock Island County.

14. Ordinance of City Council of the City of Rock Island authorizing foregoing conveyance. Certified copy recorded in Book 87, page 457, of the deed records of Rock Island County.

Jurisdiction was ceded to the United States by an Act of the State Legislature approved February 1, 1867, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That jurisdiction over the island of Rock Island and the small islands contiguous thereto, known as Benhams, Wilsons, and Winnebago Islands and their shores, taken and assigned by the United States for the establishment of an arsenal and armory, be, and is hereby, ceded to the said United States, provided that the Commanding Officer shall, on application of a competent State Officer, allow the execution of all civil and criminal process issued under authority of the State of Illinois on said Islands in the same way and manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. *Be it further enacted*, That the islands before named and the public buildings and other property that may be thereon shall forever hereafter be exempted from all State, County, and Municipal Taxation and assessment whatever, so long as the same shall be used by the United States as an Arsenal and Armory."

See also Camp Butler National Cemetery for Act of State Legislature approved December 14, 1871. See Appendix, pages 311, 312.

FORT SHERIDAN.

This reservation contains an area of 632.50 acres and is situated in Lake County, 25 miles north of the City of Chicago, on Lake Michigan. The reservation was conveyed to the United States by Citizens of Chicago in 1886 and accepted by the Secretary of War November 19, 1887, under authority of Joint Resolution of Congress of March 3, 1887. The title was conveyed as follows:

1. Deed from Adolphus C. Bartlett et al. to the United States, dated October 6, 1887, conveying 598.50 acres in Lake County. Deed recorded in Vol. 86, page 406 et seq., of the deed records of Lake County.

2. Deed from Adolphus C. Bartlett et al. to the United States, dated October 6, 1887, conveying 34 acres in Lake County. Deed recorded in Vol. 86, page 410 et seq., of the deed records of Lake County. By an Act of the State Legislature, approved June 6, 1887, consent to the purchase of the foregoing lands was given and jurisdiction ceded as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of the State of Illinois is hereby given to the acquiring of title by the United States, by purchase or otherwise, to the following described real estate or any portion thereof situated in the County of Lake [here describes the real estate above conveyed].

"SEC. 2. The jurisdiction of the State of Illinois in and over the said property, or such part thereof as the United States may so acquire title to, shall be, and the same hereby is ceded to the United States, subject to the restrictions hereinafter mentioned.

"SEC. 3. The said consent is given, and the said jurisdiction ceded upon the express condition that the State of Illinois shall retain a concurrent jurisdiction with the United States in and over the said property so far as that the execution of all civil and criminal processes which may issue under the laws or authority of the State of Illinois shall be allowed thereon on application to the officer of the United States in charge thereof in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such processes may affect the real or personal property of the United States.

"SEC. 4. The jurisdiction hereby ceded shall not vest in any respect to any portion of said real estate until the United States shall have acquired the title thereto by purchase or otherwise.

"SEC. 5. The said property, when acquired by the United States, and so long as the same shall remain the property of the United States and be used for public purposes, and no longer, shall be and continue exonerated and discharged from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State."

ALTON CEMETERY.

(Burial lot for prisoners of War.)

This lot contains an area of 0.44 acre, and is the southeast part of lot 23 in Mounier's first subdivision of the NW. ¼ of Sec. 2, T. 5, N. R. 10 W. of the third Principal Meridian in the County of Madison. The title is as follows:

Deed from Thomas Dunford and wife to the United States, dated October 15, 1867, and recorded in book 104, page 17, of the deed records of Madison County, and jurisdiction was ceded to the United States by an Act of the State Legislature, approved March 31, 1869, as follows:

"SECTION 1. *Be it enacted, etc.*, That whereas the said United States have purchased the following described real estate in said County, to wit, 0.44 of an acre of land, the same being the Southeast part of lot number twenty-three (23) in Mounier's first subdivision of the Northwest quarter of section number two (2), Township five (5), North of Range ten (10) West of the third (3) principal meridian. Wherefore exclusive jurisdiction and legislation are hereby ceded to the United States over said real estate, and the right of taxation or assessment of said real estate is hereby relinquished to the said United States.

"SEC. 2. All civil and criminal process issued under the authority of this State or by any of its officers in pursuance of law may be executed on said real estate as if such jurisdiction had not been ceded."

CAMP BUTLER NATIONAL CEMETERY.

This reservation contains 6.02 acres and is situated about 2 miles from the town of Riverton, in Sangamon County. The title is as follows:

Deed from Polly Miller, Executrix, etc., to the United States, dated September 6, 1865, conveying the above lands as a part of Sec. 16, T. 16, N. R. 4 W. of Third Principal Meridian. Deed recorded in Book No. 25, page 327, of the deed records of Sangamon County. Jurisdiction was ceded by an Act of the State Legislature, approved December 14, 1871, as follows:

"SECTION 1. *Be it enacted, etc.*, That the United States shall have power to purchase or condemn, in the manner prescribed by law, upon making just compensation therefor, any land in the State of Illinois required for custom-houses, arsenals, light-houses, national cemeteries, or for other purposes of the government of the United States.

"SEC. 2. The United States may enter upon and occupy any land which may have been or may be purchased or condemned or otherwise acquired, and shall have the right of exclusive legislation and concurrent jurisdiction, together with the State of Illinois, over such land and the structures thereon, and shall hold the same, exempt from all state, county, and municipal taxation."

MOUND CITY NATIONAL CEMETERY.

This reservation contains about 10.50 acres and right of way, is situated at Mound City, in Pulaski County, and title was acquired as follows:

1. Deed from Hiram Ketchum to the United States, dated May 4, 1867, releasing all right, title, etc., in the 10 acres in SE. ¼ sec. 26, in T. 16, S. R. 1 W. described therein. Deed recorded in Book T, page 323, etc., of the deed records of Pulaski County.

2. Deed from Samuel Staats Taylor and Edwin Parsons, trustees, etc., Cairo City property, to the United States, dated May 4, 1867, conveying by deed of bargain and sale the above 10 acres. Deed recorded in Book T, page 321, etc., of the deed records of Pulaski County.

3. Deed from Samuel Staats Taylor and Edwin Parsons, trustees, etc., to the United States, dated November 28, 1873, conveying 0.50 acre adjoining the foregoing described 10 acres. Deed recorded in Book W, page 146, of the deed records of Pulaski County.

4. Deed from Charles Parsons, trustee, etc., to the United States, dated November 28, 1873, releasing all interest, etc., in the above 0.50 acre.

5. Deed from Commissioners of Pulaski County to the United States, dated August 11, 1882, conveying a right of way from Mound City to the cemetery 100 feet wide by 3,431 feet long. Deed recorded in Book Y, page 129, of the deed records of Pulaski County.

6. Deed from Henry Parsons and Edwin Parsons, Trustees of the Cairo Trust Property, to the United States, dated August 5, 1896, conveying a roadway to the Mound City National Cemetery. Deed recorded in Book 8, page 201, etc., of the deed records of Pulaski County.

For jurisdiction see Camp Butler National Cemetery.

OAK WOODS NATIONAL CEMETERY.

This reservation contains about 69,064 square feet, and is situated in what is known as Oak Woods Cemetery, in Hyde Park, Cook County, Ill. The title is as follows:

1. Deed from The Oak Woods Cemetery Association to the United States, dated April 25, 1866, conveying all of Division 1 in Section Letter K of the plat of a portion of said Cemetery, etc., being 18,340 square feet. Deed recorded in Book 340, page 466, of the records of Oak Woods Cemetery. See also Book 16, page 247.

2. Deed from The Oak Woods Cemetery Association to the United States, dated May 1, 1867, conveying all of Division 2 in Section Letter K of the plat of a portion of said Cemetery, being 50,724 square feet. Deed recorded in Book 428, page 581, of the records of Oak Woods Cemetery. Plat of Cemetery recorded in Book 164, page 198, of Maps in the Recorder's Office of Cook County.

For jurisdiction see Camp Butler National Cemetery.

WOODLAWN CEMETERY, "SOLDIER'S LOT."

This property is known as Lot No. 33, in Block 1, in Woodlawn Cemetery, in the County of Adams, Ill. The title is as follows:

Deed from John Wood, Attorney in fact, etc., to the United States, dated February 12, 1870, conveying above lot. Deed recorded in Book 1 of Cemetery Lots, pages 70 and 71, of the deed records at Quincy, Adams County.

For jurisdiction see Camp Butler National Cemetery.

ROCK ISLAND NATIONAL CEMETERY.

This cemetery contains an area of a little over 1 acre, and is situated near the upper or north end of the island of Rock Island, and is a part of that reservation. About 350 feet north of the above cemetery is a burial lot in which are buried the remains of 1,928 confederate soldiers who died here while held as prisoners of war.

For title, jurisdiction, etc., see Rock Island Arsenal.

INDIANA.

INDIANAPOLIS ARSENAL.

This reservation contains 75.14 acres, and is situated in the City of Indianapolis, Marion County. The title was acquired as follows:

1. Deed from Calvin Fletcher, Jr., and wife to the United States, dated December 15, 1862, conveying the E. ½ of the NW. ¼ of Sec. 6, T. 15, N. R. 4 E., containing 75.14 acres, excepting Lot No. 1, containing 6 acres. Deed recorded in Book No. 17, page 403, of the deed records of Marion County.

2. Deed from Allen R. Benton and wife to the United States, dated December 22, 1862, conveying Lot 1, containing 6.70 acres (being the Lot excepted from deed of Fletcher, Jr., and wife). Deed recorded in Book No. 17, page 404, of the deed records of Marion County.

3. Deed from Stoughton A. Fletcher and wife to the United States, conveying roadway, etc., dated November 2, 1863, and recorded in Book MM, page 158, of the records of Marion County.

4. Deed from Hermon Sturm and wife to the United States, dated November 2, 1863, conveying roadway, etc. Deed recorded in Book MM, page 157, of the deed records of Marion County.

Jurisdiction was ceded to the United States by the following act of the State Legislature, approved February 21, 1863:

"Whereas, The United States have recently appropriated money for the purchase of a site in or near the City of Indianapolis, and the erection thereon of buildings and necessary machinery for a National Arsenal and Armory; And Whereas, it is deemed, by the General Assembly, greatly to the interest of the State of Indiana that said Arsenal and Armory should be so located and erected:

"SECTION 1. *Be it enacted, etc.*, That jurisdiction of the following lands and their appurtenances, that have been purchased for the erection and construction of said buildings and machinery, to wit: the East half of the northwest quarter of section six, township fifteen, north of range four east, in Marion County, be, and the same is hereby, ceded to the United States of America: *Provided, however*, That all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands, or in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. That the lands above described, and their appurtenances, and all buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county, and municipal taxation and assessment whatever, so long as the same shall remain the property of the United States of America."

JEFFERSONVILLE DEPOT.

This reservation is located in Jeffersonville, Clark County, Ind., and contains an area of 17.10 acres.

The title is as follows: Deed from the City of Jeffersonville to the United States, dated December 2, 1870, conveying the 17.10 acres above mentioned, being all of Blocks 120, 121, 124, and Jefferson Square, in said City of Jeffersonville, together with the parts of streets dividing said blocks and squares. Deed recorded in the Recorder's Office in Book No. 61, pages 183, 184, and 185, of the deed records of Clark County.

Jurisdiction was ceded to the United States by Joint Resolution No. 2 of 1871, which is as follows:

"Whereas the City of Jeffersonville, Indiana, has granted and conveyed to the United States the premises hereinafter described for military purposes; and whereas, under existing laws, no permanent buildings can be erected thereon by the General Government until the State of Indiana shall have ceded to the United States her jurisdiction over the same: Now, therefore,

"*Be it Resolved*, That the State of Indiana hereby relinquishes and cedes to the United States all the rights and jurisdiction which she now possesses over the following described premises so long as said premises shall continue to be used by the United States for military purposes." (Premises described by courses and distances and as "containing seventeen and four-tenths (17.4) acres, more or less.")

CROWN HILL NATIONAL CEMETERY.

This reservation, containing 1.37 acres, was established as a National Cemetery in 1866, and is situated in Center Township, Marion County, near Indianapolis, being described as Section 10 on the plat of the Crown Hill Cemetery as recorded in the office of the Recorder of said Marion County. The title is as follows:

Deed from the Crown Hill Cemetery (a corporation) to the United States dated August 27, 1866, and recorded in the Crown Hill Cemetery records, Book 1, page 6, February 18, 1867. The jurisdiction seems to rest upon the following act of Congress, approved July 1, 1870:

"SECTION 1. *Be it enacted, etc.*, That from the time any State Legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any National Cemetery mentioned in the act entitled 'An Act to establish and protect national cemeteries,' approved February twenty-second, eighteen hundred and sixty-seven, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by Section eight, Article one, of the Constitution of the United States; and all the provisions of said act of February twenty-second, eighteen hundred and sixty-seven, shall be applicable to the same."

GREEN LAWN CEMETERY.

This reservation contains the remains of the Confederate Soldiers who died here as prisoners of war. It is situated in the City of Indianapolis, County of Marion, Ind. The title is as follows:

Deed from The Terre Haute and Indianapolis Railroad Company to the United States, dated June 15, 1870, conveying Lots Nos. 8, 9, 10, 11,

12, 13, 14, 15, 16, 17, 18, 19, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 125, 126, 127, 128, 129, 130, 131, 133, 135 of Section D, and Lots Nos. 2, 4, 6, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 in Section F, according to the plot of said cemetery recorded in the office of the Recorder of Marion County.

For jurisdiction see Crown Hill Cemetery.

NEW ALBANY NATIONAL CEMETERY.

This cemetery contains 5.46 acres, and is situated near the City of New Albany, in Floyd County. The title is as follows:

Deed from Charles Bowman and wife to the United States, dated December 15, 1862, conveying 5.46 acres. Deed recorded in Deed Book No. 10, pages 144 and 145, of the deed records of Floyd County.

No cession. The general act of the State Legislature approved January 25, 1883, is not believed to cede jurisdiction over lands acquired for National Cemeteries, but see Crown Hill National Cemetery.

INDIAN TERRITORY.

FORT GIBSON NATIONAL CEMETERY.

This cemetery was a part of what was called the Fort Gibson Reservation. The original reservation contained 5,541 acres and was embraced within the lands of the Cherokee Nation, situated on the east bank of the Neosho River, ceded by Treaties dated February 14, 1833, December 29, 1835, and July 19, 1866. It was declared a military reservation by Executive Order dated January 25, 1870. Reservation abandoned and turned over to the Department of the Interior, excepting a piece of ground 600 feet in length by 500 feet in width on the Southwest Corner of reservation reserved, it being the site of the above-named cemetery, by Executive Order dated February 7, 1891, issued under the provisions of the Act of Congress approved July 5, 1884, providing for the transfer of reservations to the Department of the Interior when no longer needed for military purposes.

For jurisdiction see paragraph 2, section 3, Article 4, Constitution of United States.

IOWA.

WESTERN APPROACH TO ROCK ISLAND.

This property consists of the North end and abutments of the bridge at and the wagon approach on the Iowa side. The title is a follows:

Consent of the municipal authorities of the City of Davenport to location of same, by an ordinance passed ————, and jurisdiction over this land was ceded to the United States by an Act of the State Legislature approved March 26, 1878, as follows:

AN ACT to cede to the United States exclusive jurisdiction over the Rock Island Arsenal Bridge across the Mississippi River at Davenport, Iowa.

"Whereas, The Government of the United States have caused to be erected across the Mississippi River at the City of Davenport, Iowa, a wagon road and railroad bridge, connecting the Iowa shore with the Rock Island Arsenal; and

"Whereas, The abutments and the wagon approach to said bridge on the Iowa shore are located in public streets and on the bank of said

river in the said City of Davenport by the consent of the municipal authorities of said city: Therefore, *Be it enacted, etc.*,

"SECTION 1. That exclusive jurisdiction is hereby ceded to the United States over that part of the Rock Island Arsenal Bridge across the Mississippi River at Davenport, Iowa, which is north of the middle of the main channel of the said river, and also over the plat of ground occupied by the abutments and the wagon approach to the north end of said bridge, more particularly described as follows: * * * *Provided, however*, That so much of said public streets (of the city of Davenport) as are occupied by said wagon approach shall be forever kept and maintained as a public highway without expense to the said city of Davenport: *And provided further*, That this act shall not be held or constructed to add to, diminish, or prejudice any rights or privileges now held by any railroad company to use said approach for the purposes of a railroad track. Nor shall the jurisdiction hereby conceded be held or construed to impair, prejudice, or *effect* (affect) the right of the city of Davenport, or any other taxing power, to assess and collect taxes upon any franchise, right-of-way, or other property, or privilege, which any railroad company may now or hereafter have, hold or possess in said bridge."

(Laws of Iowa, 1878, Chap. 163, p. 149.)

OAKDALE CEMETERY.

This cemetery is located near Davenport, in Scott County, and that portion used as a National Cemetery is described in the following:

Deed from The Oakdale Cemetery Company to the United States, dated June 26, 1866, conveying Lot No. 140 in Section 2, and also that portion of the center of section 2 upon which seven soldiers have been interred, as laid down on the plat of said cemetery. Also a portion of lot No. 13 described.

Deed recorded in Book U of Town Lot deeds, pages 275 and 276, of the deed records of Scott County.

No cession of jurisdiction.

KEOKUK NATIONAL CEMETERY.

This cemetery contains an area of about 2.75 acres, and is situated near Keokuk, Lee County. The title is as follows:

1. Deed from the City of Keokuk to the United States, dated August 28, 1866, conveying the tract of land therein described, being a part of Oakland Cemetery adjacent to Keokuk, in Lee County. Deed recorded in Book No. 27, page 117, of the deed records of Lee County.

2. Deed from Hiram Barney and wife to the United States, dated August 5, 1870, conveying Fractional Block No. 107 and Lots 1, 2, 3, and 4 in Block No. 108, all in Mason's lower addition to the City of Keokuk. Deed recorded in Book No. 33, page 569, of the deed records of Lee County.

3. Deed from John Oeortell and wife to the United States, dated August 30, 1871, conveying Lots 5 and 6 in Block No. 108 in Mason's lower addition to the City of Keokuk. Deed recorded in Book No. 36, page 77, of the deed records of Lee County.

4. Deed from the City of Keokuk to the United States, dated December 17, 1874, conveying the lands therein described for cemetery purposes. Deed recorded in Book No. 40, page 76, of the records of Lee County.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved March 11, 1872, and by an act approved March 4, 1876. These acts provide as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of this General Assembly be, and the same is hereby, given to the purchase by the United States of certain parcels of land situate in Lee County, known and described as fractional block 107, and lots number(s) one, two, three, four, five, and six, in block 108, Mason's Lower Addition to the city of Keokuk, Iowa, the same to be used for cemetery purposes by the United States Government." (Approved March 11, 1872.)

"SECTION 1. *Be it enacted, etc.*, That the consent of this General Assembly, be and the same is hereby, given to the purchase by the United States of America of certain parcels of land situate in Lee County, known and described as so much of Keokuk Avenue as lies north of block one hundred and eight (108), Mason's lower addition to the city of Keokuk, and so much of G street as lies between blocks one hundred and seven (107) and one hundred and eight (108), in said addition, and the small triangular piece of land formed by the northerly and southerly sides of said block one hundred and seven (107) continued until said lines meet; also to a certain parcel of land known and described as the 'soldiers' burial ground,' lying within Oakland cemetery, together with a strip of land twenty (20) feet wide extending the entire length of the said 'soldiers' burial ground,' all situate within the city of Keokuk, Iowa.

"SEC. 2. The jurisdiction of the State of Iowa in and over the lands mentioned in the preceding section and in an act entitled 'an act giving the consent of the legislature of the State of Iowa, to the purchase by the United States of certain real estate,' approved March 11, 1872, shall be and the same is hereby ceded to the United States; *Provided*, That the jurisdiction hereby ceded shall continue no longer than the United States shall own or occupy said lands." (Approved March 4, 1876.)

KANSAS.

FORT LEAVENWORTH.

This reservation contains a total area of 6,899.145 acres, of which 5,959.77 acres belong to the Post reservation on the west side of the Missouri River, in Leavenworth County, Kans., and the remainder, 939.375 acres, being the timber reservation on the East side in Missouri. The title is as follows:

Part of the Louisiana purchase from France in 1803. A military post was established upon the present site May 8, 1827. By Executive Order dated October 10, 1859, the area of the reservation being ascertained by what is known as "Hunt's Survey," it was reserved and set apart for military purposes. The timber reservation on the east side of the river in Missouri, declared such for military purposes by Executive Order dated June 21, 1838. Kansas was admitted into the Union as a State January 29, 1861, but the United States failed to retain jurisdiction over this reservation. This was remedied by jurisdiction over that part of the reservation situated in the State of Kansas being ceded to the United States by an act of the State Legislature, approved February 25, 1875, which provides as follows:

"SECTION 1. That exclusive jurisdiction be and the same is hereby ceded to the United States over and within all the territory owned by

the United States, and included within the limits of the United States military reservation known as the Fort Leavenworth reservation, in said state, as declared from time to time by the President of the United States, saving, however, to the said state the right to serve civil or criminal process within said reservation, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said state, but outside of said cession and reservation; and saving further to said state the right to tax railroad, bridge and other corporations, their franchises and property on said reservation."

(See Appendix, pages 283, 287, 288, 298, 299, 303.

FORT RILEY.

The present area of this reservation is 19,899.22 acres, and is situated on the Kansas River, about 3½ miles from Junction City, in Geary County. The title is as follows:

Included in the Louisiana purchase from France in 1803, it became a part of the public domain and was, by Executive Order, dated May 5, 1855, declared a reservation for military purposes. Jurisdiction was ceded to the United States by an act of the State Legislature February 16, 1889, which provides as follows:

"SECTION 1. That exclusive jurisdiction be, and the same is hereby, ceded to the United States over and within all the territory owned by the United States and included within the United States military reservation known as the Fort Riley military reservation, in said state, as declared May 5, 1855, by the President of the United States, and reduced by joint resolution of the senate and house of representatives of the United States, approved March 2, 1867, saving, however, to the said state the right to serve civil or criminal process within said reservation in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said state (but outside of said cession and reservation), and saving further to said state the right to tax railroad, bridge, and other corporations, their property and franchises, and the property of citizens, not otherwise exempt, on said reservation."

BAXTER SPRINGS NATIONAL CEMETERY.

This cemetery comprises a lot of about 1 acre, near the center of the Baxter Springs Cemetery, and is situated about 1 mile from the city of Baxter Springs, in Cherokee County. The title is as follows:

1. Deed from The City of Baxter Springs to the United States, dated April 10, 1869, conveying lot known as the "National Block." Deed recorded in Book A, page 217, of the deed records of Cherokee County.

2. Deed from The City of Baxter Springs to the United States, dated May 3, 1875, conveying lot and right of way. Deed recorded in Book J, page 119, of the Deed records of Cherokee County.

3. Deed from The City of Baxter Springs to the United States, dated November 21, 1877, and action of the City Council ratifying same, dated February 8, 1878, conveying a strip adjoining cemetery. Deed, etc., recorded in Book Q, page 99, of the deed records of Cherokee County.

4. Deed from The City of Baxter Springs to the United States, dated ———, 1887, conveying additional ground for cemetery. Deed recorded June 29, 1887, in Book 17, page 449, of the deed records of Cherokee County. Jurisdiction was ceded to the United States by an act of the State Legislature approved March 28, 1872, which provides as follows:

"SECTION 1. That the United States shall have power to purchase or condemn in the manner prescribed by law, upon making just com-

pensation therefor, any land in the State of Kansas required for custom-houses, arsenals, national cemeteries, or for other purposes of the government of the United States.

"SEC. 2. The United States may enter upon and occupy any land which may have been or may be purchased or condemned or otherwise acquired, and shall have the right of exclusive legislation and concurrent jurisdiction, together with the State of Kansas, over such land and the structures thereon, and shall hold the same exempt from all state, county, and municipal taxation."

MOUND CITY (SOLDIERS' BURIAL LOT).

This lot is situated at Mound City, in Linn County, and contains 9,164 square feet. The title is as follows:

Deed from the Mound City Cemetery Association of Mound City, Kans., to the United States, dated July 11, 1870, conveying the above tract. Deed recorded in Book 15, page 254, of the deed records of Linn County.

For jurisdiction, etc., see Baxter Springs National Cemetery.

FORT LEAVENWORTH NATIONAL CEMETERY.

This Cemetery contains an area of 15 acres and is a part of the Fort Leavenworth Military Reservation. (See Fort Leavenworth for title, etc.)

FORT SCOTT NATIONAL CEMETERY.

This cemetery contains an area of 10.26 acres and is situated at Fort Scott, in Bourbon County. The title is as follows:

1. Deed from The Fort Scott Town Company to the United States, dated October 16, 1868, conveying 5 acres in SW. ¼, Sec. 32, T. 25, R. 25 E. Deed recorded in Book G, page 520, of the deed records of Bourbon County.

2. Deed from John G. Stewart and wife to the United States, dated October 16, 1868, Quit claims all interest in above 5 acres. Deed recorded in Book G, page 519, of the deed records of Bourbon County.

3. Deed from J. G. Scott et al. to the United States, dated May 19, 1873, conveying by Quit Claim 56 rods of land. Deed recorded in Book Q, page 400, of the deed records of Bourbon County.

4. Deed from B. F. Hepler and wife to the United States, dated June 3, 1873, conveying 56 rods of land. Deed recorded in Book Q, page 403, of the deed records of Bourbon County.

5. Deed from Board of Trustees of "The First Presbyterian Church of Fort Scott" to the United States, dated August 15, 1873, conveying the "Presbyterian Cemetery," being part of the SW. ¼ of Sec. 32, T. 25, R. 25. Deed recorded in Book R, page 493, of the deed records of Bourbon County.

6. Deed from John G. Stewart and wife to the United States, dated August 15, 1873, conveying 4.91 acres. Deed recorded in Book R, page 491, of the deed records of Bourbon County.

7. Deed from W. S. Relfe, Superintendent of Insurance Department of Missouri, to the United States, dated August 6, 1880, conveying a roadway to the National Cemetery, etc. Deed recorded in Book No. 30, page 244, of the deed records of Bourbon County.

8. Deed from James R. Bowman et al. to the United States, dated August 7, 1880, conveying a roadway, etc. Deed recorded in Book No. 30, page 248, of the deed records of Bourbon County.

9. Deed from John Farnsworth and wife to the United States, dated August 16, 1880, conveying a roadway, etc. Deed recorded in Book No. 30, page 235, of the deed records of Bourbon County.

10. Deed from Ira D. Bronson and wife to the United States, dated September 1, 1880, conveying a roadway, etc. Deed recorded in Book No. 30, page 239, of the deed records of Bourbon County.

11. Deed from Charles H. Morley and wife to the United States, dated September 1, 1880, conveying a roadway. Deed recorded in Book No. 30, page 238, of the deed records of Bourbon County.

12. Deed from Annie R. Bowden and husband to the United States, dated September 25, 1880, conveying a roadway. Deed recorded in Book No. 33, page 243, of the deed records of Bourbon County.

13. Deed from James H. Wilson and wife to the United States, dated November 6, 1880, conveying a roadway. Deed recorded in Book No. 30, page 234, of the deed records of Bourbon County.

14. Deed from James M. Lee et al. to the United States, dated February 25, 1881, conveying a roadway. Deed recorded in Book No. 30, page 242, of the deed records of Bourbon County.

15. Deed from Eliza A. Marr and husband to the United States, dated March 1, 1881, conveying a roadway. Deed recorded in Book No. 30, page 236, of the deed records of Bourbon County.

16. Deed from Cyrus Newkirk et al. to the United States, dated March 4, 1881, conveying a roadway. Deed recorded in Book No. 30, page 246, of the deed records of Bourbon County.

17. Deed from Fort Scott and Gulf Railroad Company to the United States, dated April 1, 1881, conveying a roadway. Deed recorded in Book No. 29, page 378, of the deed records of Bourbon County.

18. Deed from George W. Williamson and wife to the United States, dated April 12, 1882, conveying a roadway. Deed recorded in Book No. 32, page 606, of the deed records of Bourbon County.

19. Deed from Eli Hollingsworth and wife to the United States, dated November 15, 1880, releasing roadway. Deed recorded in Book No. 30, page 240, of the deed records of Bourbon County.

20. Deed from Milton Hollingsworth and wife to the United States, dated October 26, 1880, releasing a roadway. Deed recorded in Book No. 30, page 241, of the deed records of Bourbon County.

21. Deed from C. H. Morley and wife to the United States, dated March 9, 1881, releasing a roadway. Deed recorded in Book No. 30, page 253, of the deed records of Bourbon County.

22. Deed from the Board of County Commissioners of Bourbon County to the United States, dated May 23, 1882, releasing the roadway in said city of Fort Scott to Cemetery. Deed recorded in Book No. 33, page 311, of the deed records of Bourbon County. Jurisdiction over a portion of the cemetery was ceded to the United States by an act of the State Legislature, approved March 2, 1870, which provides as follows:

"SECTION 1. The assent of the State of Kansas is hereby given to the purchase of land heretofore made by the United States, under the act of Congress, approved February 22, 1867, for the purpose of a National Cemetery at Fort Scott, Kansas, said tract of land being the five acres situate near the City of Fort Scott, in Bourbon County, known as the 'government cemetery'; * * * and the jurisdiction of the State of Kansas over said tract of land is hereby ceded to the United States of America, and said land shall be forever free from taxation by or under the laws of this State; *Provided*, That nothing herein contained shall be so construed as to interfere with or prevent the service

of process issued out of any of the courts of this State upon such tract of land, or to interfere in any way with the jurisdiction of this State to punish crimes and offenses against the law of this State committed thereon."

KENTUCKY.

FORT THOMAS.

This reservation contains 111 acres 2 roods and 39 poles; also a Rifle Range containing 169 acres; also the right of way to the station of the Chesapeake and Ohio Railroad, and right of way to the Ohio River for a sewer, all in Campbell County. The fort is 3 miles from Newport on highlands overlooking the Ohio River and about 4 miles from Cincinnati. The post was established and lands purchased under authority of an Act of Congress approved March 3, 1887, and the title is as follows:

1. Deed from Samuel Brigstaff and wife to the United States, dated August 20, 1887, conveying 39 acres 2 roods and 1 pole. Deed recorded in the Clerk's Office of the County Court of Campbell County, October 31, 1867, in Deed Book No. 45, pages 406 to 408, Newport Office.

2. Deed from Samuel Shaw and wife to the the United States, dated August 23, 1887, conveying 27 acres 1 rood and 4 poles with certain reservations. Deed recorded in the Clerk's Office of the County Court of Campbell County, October 31, 1887, in Deed Book No. 45, pages 411 to 413, Newport Office.

3. Deed from Mary A. Happensack to the United States, dated August 25, 1887, conveying 29 acres and 34 poles. Deed recorded in the Clerk's Office of the County Court of Campbell County, October 31, 1887, in Deed Book No. 45, pages 409 to 411, Newport Office.

4. Deed from A. H. Bloom to the United States, dated August 27, 1887, conveying 15 acres and 3 roods. Deed recorded in the Clerk's Office of the County Court of Campbell County, October 31, 1887, in Deed Book No. 45, page 414, Newport Office.

The title to the Rifle Range is as follows:

1. Deed from William N. Taliaferro to the United States, dated May 1, 1891, conveying 169 acres. Deed recorded in the Clerk's Office of the County Court of Campbell County, May 27, 1891, in Deed Book No. 51, page 475, Alexandria Office.

The title to the right of way to the station on the Chesapeake and Ohio Railroad is as follows:

1. Deed from William H. Truesdell and wife to the United States, dated March 5, 1889, conveying about 31,000 square feet. Deed recorded in the Clerk's Office of the County Court of Campbell County May 22, 1889, in Deed Book No. 49, page 406, Newport Office.

The title to the right of way for sewer purposes is as follows:

1. Deed from Charles Birkly and wife to the United States, dated March 6, 1889, conveying the right and privileges therein described. Deed recorded in the Clerk's Office of the County Court of Campbell County May 22, 1889, in Deed Book No. 49, page 409, Newport Office.

2. Deed from Martha Stewart and others to the United States, dated March 7, 1889, conveying the right and privileges therein described. Deed recorded in the Clerk's Office of the County Court of Campbell County, in Deed Book No. 49, page 411, Newport Office. Jurisdiction over this reservation was ceded to the United States by acts of the

State Legislature approved February 29, 1888, and August 16, 1892. These acts provide as follows:

"Whereas, By virtue of an act of Congress approved March 3, 1887, authorizing the purchase by the United States of a suitable site in Campbell County, Kentucky, for the location of a military post, and making appropriations for the erection of suitable buildings thereon, the Bigstaff, Happensack, Bloom, and Shaw tract of land, near Newport, was selected and paid for, but before building operations can be commenced, it is necessary, under the provisions of Section 355, Revised Statutes of the United States, that the consent of the Legislature of the State of Kentucky should be obtained, and that jurisdiction over the land in question should be ceded to the United States; Therefore, *Be it enacted, etc.*,

"SECTION 1. That the consent of the State of Kentucky to the purchase of the tract of land mentioned in the preamble to this act, for the purposes therein named, by the United States, be, and is hereby, given, and the United States shall have, hold, use and occupy said land as provided for by this act.

"SEC. 2. That exclusive jurisdiction over said tract of land be, and is hereby, ceded to the United States, so long as they remain the owners thereof, for all purposes, except the administration of the criminal laws of this Commonwealth, and the service of any civil process thereon; and said tract of land, and the improvements which may be erected thereon, shall be exempt from State, county and municipal taxes so long as it shall remain the property of the United States."

(A proviso follows, securing to the "trustees of Covington reservoir and the City of Covington" the right to lay and maintain the 30-inch water main, and the right of access thereto over parts of said lands.)

Approved February 29, 1888.

"*Be it enacted, etc.*,

"SECTION 1. That the Commonwealth of Kentucky hereby consents to the acquisition by the United States of America of all lands and appurtenances in this Commonwealth heretofore legally acquired, or that may be hereafter legally acquired, by purchase or condemnation, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings, including post-offices, custom-houses, and court-houses, also lands for locks, dams and canals in improving the navigation of the rivers and waters within and on the borders of the Commonwealth of Kentucky."

Approved August 16, 1892.

CAVE HILL NATIONAL CEMETERY.

This cemetery contains an area of 3.53 acres and is situated near the city of Louisville, in Jefferson County, being a portion of the public cemetery of that name. The title is as follows:

1. Deed from Cave Hill Cemetery Company to the United States, dated March 23, 1877, confirming the donation by said Company, made in 1861, of Section A, containing 28,418.80 square feet of ground. Deed recorded in the Clerk's Office of the County Court of Jefferson County March 23, 1877.

2. Deed from Cave Hill Cemetery Company to the United States, dated July 23, 1863, conveying Section B, containing 42,114 square feet.

Deed recorded in the Clerk's Office of the County Court of Jefferson County July 24, 1863.

3. Deed from Cave Hill Cemetery Company to the United States, dated May 30, 1864, conveying Sections C and D, containing 52,455 square feet. Deed recorded in the Clerk's Office of the County Court of Jefferson County May 30, 1864.

4. Deed from Cave Hill Cemetery Company to the United States, dated June 4, 1868, conveying Section E, containing 4,991 square feet. Deed recorded in the Clerk's Office of the County Court of Jefferson County June 4, 1868.

5. Deed from Cave Hill Cemetery to the United States, dated June 19, 1893, conveying a tract containing 15,934 square feet (marked A on plat). Deed recorded in the Clerk's Office of the County Court of Jefferson County August 23, 1893.

6. Deed from Ward Payne and wife to the United States, dated November 26, 1867, conveying the southward part of Lot 1, in Square 8, in Payne's addition to the City of Louisville (for Keeper's Lodge). Deed recorded in the Clerk's Office of the County Court of Jefferson County June 29, 1868.

For jurisdiction see Lebanon National Cemetery.

DANVILLE NATIONAL CEMETERY.

These cemetery lots contain about .31 acre, and are within the city cemetery at Danville, in Boyle County. The title is as follows:

Deed from the Board of Trustees of the Town of Danville to the United States, dated June 12, 1868, conveying Lots 10 to 17, inclusive, in Danville Cemetery. Deed recorded in the Clerk's Office of the County Court of Boyle County June 13, 1868.

For jurisdiction see Lebanon National Cemetery.

FRANFORT. (SOLDIERS' LOT.)

This lot contains about 4,500 square feet, and is a part of the city cemetery at Frankfort, in Franklin County. The title is as follows:

Deed from The Frankfort Cemetery Company to the United States, dated January 4, 1868, conveying certain lots and parts of lots in said Cemetery, aggregating 4,500 square feet. Deed recorded same date in the Clerk's Office of the County Court of Franklin County.

For jurisdiction see Lebanon National Cemetery.

LEBANON NATIONAL CEMETERY.

This cemetery contains an area of about 2 acres, 3 roods, and 13.2 perches, and is situated near the Town of Lebanon, in Marion County. The title is as follows:

Deed from James J. McElroy et al. to the United States, dated April 6, 1867, conveying 2 acres, 1 rood, and 25 poles. Deed recorded in the Clerk's Office of the County Court of Marion County July 9, 1868.

2. Deed from Charles Gohe and wife to the United States, dated August 18, 1875, conveying about 0.50 acre. Deed recorded in the Clerk's Office of the County Court of Marion County, January 26, 1876.

3. Release of J. F. McElroy to the United States, dated November 12, 1873. Recorded in the Clerk's Office of the County Court of Marion

County, August 18, 1875. Jurisdiction was ceded to the United States by the following act of the State Legislature, approved March 9, 1867:

"*Be it enacted, etc.*,

"SECTION 1. That the jurisdiction over the lands, parcels, or lots of ground purchased, obtained, used, or occupied by the United States, her officers or agents, for the burial of the Union dead, in the following-described cemeteries, burial places, and parts thereof, and over such other lands and parcels of ground as may hereafter be required, purchased, obtained, used, or occupied by said common government for such purposes, together with all the buildings, improvements, and other property belonging thereto or connected therewith in this Commonwealth, is hereby ceded to and vested in the said United States, so long as such premises may be used, occupied, or required for the purpose of sepulture and the public service, except for the punishment of offenses hereinafter provided: Perryville National Cemetery, near Perryville, in Boyle County, about four acres; London, near London, Laurel County, about two acres; Camp Nelson, Jessamine County, about four acres; Lebanon, near Lebanon, Marion County, about two acres; Mill Springs, near Logan's Cross Roads, about two acres.

"SEC. 2. That all places of sepulture, lands, buildings, fixtures, improvements, and property of the United States thereon or connected therewith shall be held exonerated and exempt from any and all taxation and assessments under the authority of this state, or any county or other municipality therein, so long as the same shall remain in the use or occupation of the United States.

"SEC. 3. That any wilful, reckless, or voluntary mutilation of the graves, monuments, fences, shrubbery, ornaments, or grounds or buildings in or inclosing said cemeteries or places of sepulture shall subject the offender or offenders each to a fine of not less than ten dollars, to which may be added, in the discretion of the jury or court trying the case, imprisonment in the county jail or work-house not exceeding six months, to be prosecuted before any court having competent jurisdiction."

LEXINGTON NATIONAL CEMETERY.

This cemetery contains an area of 0.75 acre, and is situated within the City Cemetery of Lexington, in Fayette County. The title is as follows:

Deed from The Lexington Cemetery Company to the United States, dated July 1, 1867, conveying the above tract by metes and bounds. Deed recorded in the Clerk's Office of the County Court of Fayette County, May 29, 1868.

For jurisdiction see Lebanon National Cemetery.

MILL SPRINGS NATIONAL CEMETERY.

This cemetery contains an area of about 3.50 acres, and is situated near Logan's Cross Roads, about 8 miles from Somerset, in Pulaski County. The title is as follows:

Deed from William H. Logan and wife to the United States, dated July 5, 1867, conveying 3.50 acres. Deed recorded in the Clerk's Office of the County Court of Pulaski County, June 20, 1868.

For jurisdiction see Lebanon National Cemetery.

CAMP NELSON NATIONAL CEMETERY.

This cemetery contains about 9.50 acres, and is situated 7 miles southwest of Nicholasville, in Jessamine County. The title is as follows:

1. Deed from John D. Scott et al. to the United States, dated August 26, 1872, conveying 7.25 acres, and also a strip extending to the Danville, Lancaster and Nicholasville Turnpike, containing 1 acre, 1 rood, and 32 poles. Deed recorded in the Clerk's Office of the County Court of Jessamine County, October 16, 1872.

2. Deed from John D. Scott et al. to the United States, dated April 18, 1874, conveying 1 acre. Deed recorded in the Clerk's Office of the County Court of Jessamine County, May 2, 1874.

For jurisdiction see Lebanon National Cemetery.

LOUISIANA.

BATTERY BIENVENUE.

This reservation is in Township 12, South of Range 13 East, and is situated on the right bank of Bayou Bienvenue at the forks of said Bayou and Mazant. The lands were reserved for military purposes by Executive Order dated February 9, 1842, and included all "the public land 1,200 yards each way from the fort."

Jurisdiction was ceded to the United States by an act of the State legislature, approved June 1, 1846, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction and control over the sites of the following works of fortification be, and the same hereby are, granted and ceded to the United States, for military purposes, viz: Over Fort Jackson on the right bank of the Mississippi River, and over all the land lying within fifteen hundred Castilian varas (or thirteen hundred and ninety yards and a half), measured from the most salient parts of the works; over Fort Saint Philip, on the left bank of the Mississippi River, and over the section of land on which it is situated, being section eleven of township nineteen, range seventeen east, of the southeastern District of Louisiana; over Fort Pike, at Pass Rigolets, and over all the land within twelve hundred yards of the Fort, measured from the most salient parts of the works; over Fort Wood, at the Chef Menteur Pass, and over all the land within twelve hundred yards of the Fort, measured from the most salient parts of the works; over Battery Bienvenue, and over all the land within twelve hundred yards of the most salient parts of the same; over Tower Dupres, and over all the land within twelve hundred yards of the most salient parts of the same; and over such tract of land as the United States may reserve or purchase for the site of works of fortification at or near Proctor's Landing on Lake Borgne, not to exceed the area lying within twelve hundred yards of the most salient parts of such works of fortification:

"*Provided always*, and the cession and jurisdiction aforesaid are granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the said tracts of land, so far as that all civil and such criminal process as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the said tracts of land, may be executed therein in the same way and manner as though this

cession and consent had not been made and granted, except so far as such process may effect the real or personal property of the United States within the ceded territory.

"SEC. 2. *Be it further enacted, etc.*, That the property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and assessments which may be levied or imposed under the authority of this State, while the said tracts of land shall remain the property of the United States, and shall be used for the purposes intended by this act."

JACKSON BARRACKS.

This reservation contains an area of 87.87 acres, and is situated on the east bank of the Mississippi River, about 3 miles below the City of New Orleans, in the Parish of New Orleans. The title is as follows:

1. Act of sale from Pierre Cotteret and wife to the United States, dated December 14, 1833, conveying Lots 15 and 16 of the Parish lots. Original filed and recorded in the Office of the Register of Conveyances for the City and Parish of New Orleans, in Deed Book No. 14, page 471.

2. Act of sale from Mrs. Prudence Desilets, widow of Louis Badius, to the United States, dated May 17, 1848, conveying parts of Lots 13 and 14 of Parish lots. Original filed and recorded in the Office of the Register of Conveyances for the City and Parish of New Orleans, in Deed Book No. 44, page 580.

Jurisdiction was ceded to the United States by the following act of the State Legislature, approved July 6, 1882:

"SECTION 1. *Be it enacted, etc.*, That the United States shall have power to purchase or condemn in the manner prescribed by law, upon making just compensation therefor, any land in the State of Louisiana not already in use for public purposes, required for custom-houses, court-houses, arsenals, national cemeteries, or for other purposes of the government of the United States.

"SEC. 2. *Be it further enacted, etc.*, That the United States may enter upon and occupy any land which may have been or may be purchased or condemned, or otherwise acquired, and shall have the right of exclusive legislation, and concurrent jurisdiction, together with the State of Louisiana, over such land and the structures thereon, and shall hold the same exempt from all State, parochial, municipal, or other taxation."

FORT JACKSON.

This reservation contains an area of about 740.97 acres, and is situated on the right bank of the Mississippi River about 73 miles below the city of New Orleans in the Parish of Plaquemines. The title is as follows:

Under Spanish and French occupation known as Fort Bourbon and as a fortification passed to the United States under the cession from France in 1803. A formal reservation for military purposes was made by Executive Order dated February 9, 1842, and afterwards modified by Executive Order dated October 26, 1847, so as to comprise all the public land lying 1,500 Castillian Varas from the most salient parts of the extreme outworks of the fort.

For jurisdiction see Battery Bienvenue.

FORT LIVINGSTON.

This reservation contains an area of 126.16 acres, and is situated on the west end of Grand Terre Island, in the Parish of Jefferson, at the entrance or Grand Pass to Barataria Bay. The title is as follows:

Act of sale from Etienne de Gruy and wife to the United States, dated January 10, 1834, conveying the tract of 126.16 acres. Original on record in the office of Felix De Armas, at New Orleans, January 24, 1834, as required by law. Jurisdiction was ceded to the United States by an act of the State Legislature, approved March 10, 1834, and by the deed of the Governor of the State dated May 14, 1834. The act provides as follows:

"SECTION 1. *Be it enacted, etc.*, That it shall be lawful for the Governor of this State, and he is hereby authorized for and in behalf of this State, by proper deed and instruments of writing under his hand and the seal of the State, to convey, transfer, assign and make over to the government of the United States, all the jurisdiction which this State possesses over the tract of land purchased by the United States for the purpose of erecting a fort thereon, situate in the parish of Jefferson, and known by the name of Grand-terre.

"SEC. 2. *And be it further enacted, etc.*, That after the cession aforesaid, if the said fort shall be suffered to fall into decay, or be rendered useless, and so continue for the period of seven years, then, in that case, the jurisdiction over such territory hereby directed to be vested in the United States, shall revert to this State, in like manner as if this act had never been passed."

FORT MACOMB.

Formerly Fort Wood, and contained an area of 1,364.71 acres. The reservation is at Pass Chef Menteur, on Lake Borgne, in the Parish of New Orleans. Assuming it to be a part of the public domain it was reserved for military purposes by Executive Order dated February 9, 1842, which included all the public land lying within 1,200 yards of the fort, measured from the most salient parts of the work. Claims arising, based upon French grants and Executive Order dated June 20, 1896, transferred to the Department of the Interior all that portion of the reservation "which lies on the east side of Chef Menteur Pass, in sec. 28, T. 11, S. R. 14 E., Southern District of Louisiana." The area of the remainder is unknown.

For jurisdiction see Battery Bienvenue.

FORT PIKE.

This reservation contains all the land in Sec. 19, T. 10, S. R. 15 E., and is situated south of Great Rigolet on the northern margin of the Island of "Petites Coquilles," which divides Lake Borgne from Lake Pontchartrain, about 35 miles northeast of New Orleans. The land was reserved for military purposes by Executive Order dated February 9, 1842, and included the public lands within 1,200 yards of the fort. All the land has been patented to the State as swamp except land described above.

For jurisdiction see Battery Bienvenue.

PROCTOR'S LANDING MILITARY RESERVATION.

This reservation contains an area of about 100 acres and is situated at Proctorsville, at the foot of Lake Borgne, in the Parish of St. Bernard. The title is as follows:

Act of sale from Mrs. Mary Screven et al. to the United States, dated March 15, 1856, conveying the above tract. Original filed and recorded in the Office of the Recorder for the Parish of St. Bernard, April 4, 1856, in Book No. 6 of Conveyances, folios 76 to 81, inclusive.

Jurisdiction over this place was ceded to the United States by act of the State Legislature, approved June 1, 1846 (for which see Battery Bienvenue), and by the following act, approved March 9, 1855:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction and control be ceded to the United States over such tract of land as the United States may reserve or purchase for the site of works of fortification at the foot of Lake Borgne; provided that the cession and jurisdiction aforesaid are granted upon the express condition that the State of Louisiana shall retain a concurrent jurisdiction with the United States in and over such tract of land, so far as that all civil and such criminal process as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said tract of land, may be executed therein in the same way and manner as though this cession and consent had not been made and granted, except so far as such process may affect the real or personal property of the United States within the ceded territory.

"SEC. 2. *Be it further enacted, etc.*, That the property of which jurisdiction is granted by this act shall be exonerated and discharged from all taxes and assessments which may be levied or imposed under the authority of this State while the said tract of land shall remain the property of the United States and shall be used for fortification purposes."

FORT ST. PHILIP.

This reservation contains 640 acres, embracing the whole of Sec. 11, T. 19, S. R. 17 E, Southeast District, East of the Mississippi River, nearly opposite Fort Jackson, in the Parish of Plaquemines. It was a fortified point under the French and Spanish occupation, passing to the United States as such in the cession from France in 1803. The section was formerly declared a reservation for military purposes by Executive Order dated February 9, 1842.

For jurisdiction see Battery Bienvenue.

ALEXANDRIA NATIONAL CEMETERY.

This cemetery contains an area of 8.24 acres, which with the roadway belonging thereto is situated at Pineville, in the Parish of Rapides. It was taken possession of for cemetery purposes under the act of Congress approved February 22, 1867, and title acquired as follows:

Decree of condemnation for Lot 24 in Poissin Division of the village of Pineville, in the Parish of Rapides, containing 8.24 acres, in Cause No. 7248 Expart. The Secretary of War, in the Circuit Court of the United States for the Fifth Circuit and District of Louisiana. Decree rendered and filed with the record in said cause in the Clerk's Office of said Court at New Orleans, April 26, 1875.

The title to the Roadway is as follows:

1. Donation from The Town of Pineville to the United States, dated October 5, 1888, conveying a right of way, etc. Original instrument recorded in the Clerk's Office at Alexandria, October 5, 1888.

2. Donation from Robert Aaron, Individual, and as Tutor, to the United States, dated January 5, 1889, conveying additional right of way. Original instrument recorded in the Office of the Clerk of the District Court, in Book of Donations, pages 1 and 2.

3. Donation from Henry Robinson to the United States, dated January 5, 1889, conveying additional right of way. Original instrument recorded in the Office of the Clerk of the District Court, in Book of Donations, page 1.

Jurisdiction over National Cemeteries was ceded to the United States by the act of the State Legislature, approved July 6, 1882 (for which see Jackson Barracks), and by the following act, approved September 16, 1868:

"*Whereas*, the United States of America have purchased, or are about to purchase and set apart certain tracts of land in the State of Louisiana, hereinafter described, to be used and maintained at their own expense, *in perpetua*, as National Cemeteries for the interment of the remains of United States soldiers, deceased; and

"*Whereas*, the laws of said United States provide that no public money shall be expended for the purchase of any land within any State of the United States until a cession of the jurisdiction by the Legislature of the State; and

"*Whereas*, a formal application has been filed by the said United States, through their properly accredited representative, for the aforesaid cession, so far as relates to the lands hereinafter described; now, therefore,

"*Be it resolved, etc.*, That the State of Louisiana relinquish all jurisdiction over the hereinafter described lands and premises in said State purchased or to be purchased and set apart for the purposes aforesaid, and that such jurisdiction be, and the same is hereby ceded to and forever vested in the United States. * * *

"All that certain tract, piece or parcel of land, situated, lying, and being in the city of Baton Rouge and designated on a map of a survey of said city made by Henry and Wm. G. Waller, city surveyors, as squares numbers nineteen (19), twenty (20), and twenty-one (21). * * *

"Also, all that certain other tract of land, piece or parcel of land, situate, lying and being at Chalmette, in the parish of St. Bernard, and State of Louisiana, about four miles below the city of New Orleans, and on the easterly bank of the Mississippi River, and designated by the letters A, B, C, D, E and F, on a map or plan drawn by Louis H. Pilie, late city surveyor, dated January 29, 1867, and deposited in the office of the city notary for reference as plan number twenty (20). * * *

"Also, all that certain other tract, piece and parcel of land situate in the Parish of East Baton Rouge, in said State of Louisiana * * * about one mile below Port Hudson, * * * containing about eight acres. * * *

"Also, all that certain other tract, piece or parcel of land, situated at Pineville in said State." * * *

BATON ROUGE NATIONAL CEMETERY.

This cemetery contains an area of 7.50 acres, and is situated at Baton Rouge, in the Parish of East Baton Rouge. The title is as follows:

1. Act of sale from Simonna Bareno to the United States, dated October 16, 1868, conveying Squares Numbered 19 and 20 of the City

of Baton Rouge. Original filed and recorded in Book X, folio 218, of Notarial Acts in the Office of the Recorder of Deeds in the Parish of East Baton Rouge.

2. Act of sale from Pierre Baron and wife to the United States, dated October 16, 1868, conveying Square No. 21 of the City of Baton Rouge. Original filed and recorded in Book X, folio 219, of Notarial Acts in the Office of the Recorder of Deeds in the Parish of East Baton Rouge.

3. Grant from The City of Baton Rouge to the United States possession of certain property for the purpose of building a wall, etc. April 21, 1873, Recorded in the Auditor's Office, Baton Rouge.

For jurisdiction see Alexandria National Cemetery.

CHALMETTE NATIONAL CEMETERY.

This cemetery contains an area of 13.60 acres, and is situated at Chalmette, about 4 miles below the City of New Orleans, on the east bank of the Mississippi River, in the Parish of St. Bernard. The title is as follows:

Deed of Donation from the City of New Orleans to the United States, dated May 26, 1868, donating the above tract, describing the same by metes and bounds. Deed recorded in Conveyance in Book No. 9, folios 366 to 368, of the deed records of the Parish of St. Bernard. Right of way from United States Barracks to National Cemetery granted by Police Jury of Parish of St. Bernard, August 2, 1868.

For jurisdiction see Alexandria National Cemetery.

PORT HUDSON NATIONAL CEMETERY.

This cemetery contains an area of 8 acres, and has also a right of way to the river at Hickeys Landing. It is situated at Port Hudson, in the Parish of East Baton Rouge. The title is as follows:

1. Act of sale from James H. Gibbons and wife to the United States, dated August 17, 1869, conveying 8 acres and the right of way from the Cemetery to Hickeys Landing on the Mississippi River. Original instrument filed and recorded in the Recorder's Office of the Parish of East Baton Rouge, in Book H, page 514, of Notarial Acts.

2. Act of sale from Joseph and W. S. Slaughter to the United States, dated December 27, 1890, conveying a strip of land 60 feet wide by 4,650 feet long for right of way from Cemetery to Mississippi River. Original instrument filed and recorded in Office of Recorder of the Parish of East Baton Rouge, in Book No. 14, page 152, of Notarial Acts.

For jurisdiction see Alexandria National Cemetery.

MAINE.

CUSHING ISLAND.

This reservation contains an area of about 35 acres, and is situated on the southerly side of Cushings Island, in Portland Harbor, in the County of Cumberland, and includes also the land which lies between high and low water mark in front of said reservation. The title is as follows:

1. Decree of condemnation of said property, including right of way, all easements, etc., in a certain cause wherein the United States was

plaintiff and Francis Cushing et al. were defendants in the District Court of the United States for the District of Maine. Decree rendered March 1, 1894; filed and recorded in the Clerk's Office of said Court.

2. Deed from Francis Cushing to the United States, dated March 27, 1894, conveying the land between high and low water mark, wharf, etc. Deed recorded in the Office of the Register of Deeds for Cumberland County, in Book No. 611, page 433.

For consent of the State to the acquisition of lands by the United States by condemnation, etc., for the erection of Forts, batteries, etc., see Revised Statutes of Maine, 1883, (Sec. 10, Chap. 2, p. 64). For jurisdiction see Fort Gorges.

FORT EDGECOMB.

This reservation contains an area of about 30 acres, and is situated in Edgecomb, Lincoln County. The title is as follows:

Deed from Moses Davis to the United States, dated June 13, 1808, conveying the above by metes and bounds. Deed recorded in Liber 68, folio 23, of the deed records of Lincoln County.

GERRISH ISLAND.

This reservation contains about 50 acres, and is situated on Gerrish Island, in Kittery, in the County of York. The title is as follows:

Deed from Joseph T. Wiggin to the United States, dated May 15, 1873, conveying 30 acres of the above by metes and bounds. Deed recorded in Book 336, page 42, of the deed records of York County.

2. Deed from Adna B. Lane to the United States, dated May 29, 1873, conveying 10 acres and adjoining flats and right of way. Deed recorded in Book No. 336, page 157, of the deed records of York County.

For jurisdiction see Fort Preble, where the Act of February 18, 1871, seems to cede jurisdiction.

FORT GORGES.

This reservation contains about 1.50 acres, and is situated on what is called "Hog Island Ledge," in Portland Harbor, 2 miles from Portland, Cumberland County. It is seven-eighths of a mile north of Fort Preble, about five-twelfths of a mile west of Great Hog Island, and about seven-eighths of a mile northwest of Fort Scammel.

Title and jurisdiction ceded to the United States by an act of the State Legislature, approved April 17, 1857, as follows:

"*Be it enacted, etc.*

"SECTION 1. Jurisdiction is hereby ceded to the United States over the "Hog Island Ledge," in the harbor of Portland, Maine, to include all of said "ledge" above or within low-water mark, and so much thereof without low-water mark as shall be bounded by lines drawn seven hundred yards distant from and parallel to the faces of any fort to be built thereon, for the purpose of carrying into effect an act of Congress, of March third, eighteen hundred and fifty-seven, providing for the commencement of a fortification on "Hog Island Ledge," in Portland Harbor, Maine. Jurisdiction is also ceded to the United States over any tract or tracts of land at or near the entrance to Kennebec River, Maine, that may be acquired by the United States for the purpose of carrying out an act of Congress of March third, eight-

een hundred and fifty-seven, providing for the erection of 'fortifications at the mouth of the Kennebec River, Maine,' by building and maintaining thereon forts, magazines, arsenals, dockyards, wharves, and other structures, with their appendages, and over all the contiguous shores, flats, and waters, within four hundred yards from low-water mark; and all right, title and claim, which this State may have to or in the said 'Hog Island Ledge,' in Portland Harbor, and said tract or tracts at or near the entrance to Kennebec River, are hereby granted to the United States; *provided*, that this State shall retain a concurrent jurisdiction with the United States, in and over all the premises aforesaid, so far as that all civil processes and such criminal process as may issue, under the authority of this State, against any person or persons charged with crimes committed without the premises aforesaid, may be executed therein in the same way and manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. The premises over which jurisdiction is granted by this act, and all structures and other property thereon, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed, under the authority of this State, while said premises shall remain the property of the United States, and shall be used for the purposes intended by this act."

GREAT HOG AND COW ISLAND.

This reservation contains an area of about 92 acres, and also the right of way, shores, flats, etc. Seventy acres, with adjoining shores, right of way, etc., is situated on the northeast end of Great Hog Island and the remainder includes the 22 acres of Cow Island with its shores, etc., all in Casco Bay, in Cumberland County. Title is as follows:

1. Deed from Mary L. Deering et al. to the United States, dated November 23, 1873, conveying 70 acres, shores, right of way, etc. Deed recorded in Plan Book 3, page 46, of the Registry of deeds in Cumberland County.

2. Deed from Mary L. Deering et al. to the United States, dated November 29, 1873, conveying Cow Island, with an area of 22 acres, the shores, etc. Deed recorded in Plan Book 3, page 46, of the deed records of Cumberland County.

3. Quit Claim Deed from Alice P. Anderson to the United States, dated November 29, 1873, conveying all above-described lands on Great Hog Island.

For jurisdiction see Fort Gorges. See also Fort Preble, where Act of February 18, 1871, seems to cede jurisdiction.

HANCOCK BARRACKS.

This reservation contains 24 acres 1 rood and 19 rods, and is situated at Holton, in Washington County. The title is as follows:

1. Deed from Joseph Houlton, jr., to the United States, dated July 5, 1828, conveying 24 acres and 59 rods. Deed recorded in Deed Book No. 1, page 277, of the deed records of Washington County.

2. Deed from Joseph Houlton, jr., to the United States, dated January 30, 1829, conveying 15.50 rods. Deed recorded in Deed Book No. 2, page 17, of the deed records of Washington County.

KENNEBEC ARSENAL.

The site and grounds of this arsenal embrace about 39 acres and 140 square rods, also a right of way. It is situated in Augusta, on the east side of the Kennebec River, in Kennebec County. The title is as follows:

1. Deed from John H. Hartwell and wife to the United States, dated September 25, 1827, conveying 19 acres and 140 square rods. Deed recorded in Book 61, page 172 et seq., of the deed records of Kennebec County.

2. Deed from John H. Hartwell and wife to the United States, dated August 2, 1836, conveying 6 acres. Deed recorded in Book 98, page 345, of the deed records of Kennebec County.

3. Deed from J. H. Hartwell and wife to the United States, dated August 2, 1836, conveying 14 acres. Deed recorded in Book 98, pages 346 and 347, of the deed records of Kennebec County.

4. Lease for 999 years from John H. Hartwell and wife to the United States, for a strip as right of way adjoining Arsenal site. Lease recorded in Book 169, page 1, of the deed records of Kennebec County.

For jurisdiction see Fort Gorges.

FORT KNOX.

This reservation contains an area of 124.50 acres, exclusive of roads, and is situated on the west bank of the Penobscot River, opposite the Town of Bucksport, in Waldo County. The title is as follows:

1. Deed from John Pierce to the United States, dated September 4, 1843, conveying 2 acres and 135 rods. Deed recorded in Vol. 46, page 338, of the deed records of Waldo County.

2. Deed from Hannah R. Harriman et al. to the United States, dated September 4, 1843, conveying 4 acres. Deed recorded in Vol. 46, page 339, of the deed records of Waldo County.

3. Deed from William French to the United States, dated September 25, 1843, conveying 7 acres and 79 rods. Deed recorded in Vol. 46, page 509, of the deed records of Waldo County.

4. Deed from Daniel H. Harriman to the United States, dated December 16, 1843, conveying two undivided third parts of land described therein. Deed recorded in Vol. 46, page 536, of the deed records of Waldo County.

5. Deed from William French to the United States, dated March 23, 1844, conveying 50 acres (including the 7 acres and 79 rods in Deed marked herein as "2"). Deed recorded in Vol. 50, page 178, of the deed records of Waldo County.

6. Deed from John Lee to the United States, dated March 23, 1844, conveying a plat of about 0.50 acre at the ferry site. Deed recorded in Vol. 50, page 180, of the deed records of Waldo County.

By an act of the State Legislature, approved March 12, 1844, jurisdiction was authorized to be ceded by the Governor. The Act provides as follows:

"SECTION 1. The consent of this Legislature is hereby granted, that the United States may purchase at the narrows of the Penobscot River in the town of Prospect and County of Waldo, the following lands namely: the farm of John Pierce, also another parcel of land adjoining the same, belonging to the widow and heirs of Benjamin Harriman, deceased; also a small parcel of land adjoining the second

parcel, being about half an acre, belonging to John Lee; also the farm of William French, adjoining the farm of said Pierce, or of so much of said parcels of land as the United States may be desirous of purchasing.

"SEC. 2. After the United States shall have purchased the aforesaid lands, or so much thereof as they wish, and after they shall have surveyed the same, upon application of the United States to the Governor, for jurisdiction, describing the land purchased by metes and bounds, the Governor, with the advice and consent of Council, shall be and he hereby is authorized to cede jurisdiction over so much of said lands, to the United States, as shall have been purchased by them for the purpose of erecting fortifications and other purposes of national defense; reserving therein and thereby to the State its jurisdiction, so far as to have a right to execute within the limits of the tract so ceded, all civil and criminal processes lawfully issued under the authority of the State."

7. Deed from the Governor of the State ceding jurisdiction to the United States, in accordance with the foregoing Act of the State Legislature, was duly executed November 28, 1844, and recorded in the Office of the Secretary of State.

FORT MACHIAS.

This reservation contains about 2 acres, and is situated on the Machias River, at Machiasport, in Washington County. The title is as follows:

1. Deed from William Sanborn and wife to the United States, dated November 16, 1809, conveying 84.75 rods. Deed recorded in Book No. 6, page 80, of the deed records of Washington County.

2. Deed from Benjamin Berry and wife to the United States, dated November 16, 1809, conveying 224 rods and 10 links. Deed recorded in Book No. 6, page 88, of the deed records of Washington County.

FORT MADISON.

This reservation contains an area of 3 acres, including the beach adjoining the same, and is situated at Castine, on the Bay of that name, in Hancock County. The title is as follows:

Deed from Joseph Perkins and wife to James Madison, President, etc., his successors, etc., dated April 1, 1809. Deed recorded in Book No. 27, page 105, of the deed records of Hancock County.

FORT M'CLARY.

This reservation contains an area of about 15 acres, and is situated in York County, on Kittery Point, a projection into the Piscataqua River opposite Fort Constitution, in Portsmouth Harbor. It is 3½ miles from Portsmouth, N. H. The title is as follows:

1. Deed from Mercy Follett to the United States, dated May 22, 1846, conveying 1 acre and 49 rods. Deed recorded in Book 189, page 251, of the deed records of York County.

2. Deed from Robert G. Safford and wife to the United States, dated May 22, 1846, conveying 10 acres and 143 rods. Deed recorded in Book 189, pages 251–252, of the deed records of York County.

3. Deed from Roger Deering and wife to the United States, dated May 22, 1846, conveying 13 acres and 62 rods. Deed recorded in Book 189, pages 252–253, of the deed records of York County.

4. Deed from Isaac I. Stevens to the United States, dated October 14, 1846, conveying 1 acre and 49 rods. Deed recorded in Book 190, pages 264–265, of the deed records of York County.

5. Deed from Isaac I. Stevens to the United States, dated October 14, 1846, conveying 13 acres and 62 rods. Deed recorded in Book 190, pages 263–264, of the deed records of York County.

6. Deed from Isaac I. Stevens to the United States, dated October 14, 1846, conveying 10 acres and 143 rods. Deed recorded in Book 190, page 263, of the deed records of York County.

7. The Inhabitants of School District No. 12 to the United States, dated June 22, 1893, conveying, by way of exchange, a tract of land described. Deed recorded in Book 458, page 527, of the deed records of York County. The United States, as a consideration, conveyed to said School District a tract of land described in a deed executed on the 4th day of December, 1893, by the Secretary of War, and recorded in said deed records. The said exchange was authorized on the part of the school district at an annual meeting held March 29, 1893, as shown by the records of said District at Kittery Point, and was made by the Secretary of War under and by virtue of the provisions of an Act of Congress approved January 23, 1893. Title to and jurisdiction over the original site of Fort McClary were ceded by an Act of the General Court of Massachusetts approved March 12, 1808, as follows:

"SECTION 1. *Be it enacted, etc.*, That all the right and title of this Commonwealth to a certain piece of land in Kittery, in the County of York and Commonwealth aforesaid, called Battery Pasture, on which a Fortification formerly stood; and is bounded on the North by the Road, on the west by Frollet, on the South by the River, and on the east by Frollet, and contains one acre and one hundred and thirty-nine rods, as will appear by a report made to the Hon. David Sewall, Esq., Agent for this Commonwealth, by Benjamine Parker, Surveyor, about the year Seventeen hundred and ninety-eight. Be and hereby is granted and ceded to the United States, for the sole purpose of erecting Fortifications for the defence of the United States.

"SEC. 2. *Be it further enacted*, That the cession aforesaid is granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said tract of land may be executed therein, in the same way and manner as though this cession had not been made."

And by the following act of the State Legislature of Maine, approved July 31, 1846:

"*Be it enacted, etc.*,

"SECTION 1. The consent of this state is hereby granted to the United States to purchase an additional tract of land, not exceeding in quantity thirty acres, lying adjacent to the present site of Fort McClary, in Kittery, county of York, for military purposes; the evidence of the purchase aforesaid to be entered and recorded in the Registry of Deeds, in the county of York, and State of Maine; and the jurisdiction over the said tract of land, is hereby granted and ceded to the United States; *provided always*, and the cession and consent aforesaid are granted upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the tract aforesaid, so far that all civil and such criminal processes as may issue under the authority of

this State against any person or persons charged with crimes committed without the said tract may be executed therein in the same way and manner as though this cession and consent had not been made and granted.

"SEC. 2. The property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and assessments, which may be laid or imposed under the authority of this state while the said tract shall remain the property of the United States, and shall be used for the purposes intended by this act."

NARROWS ISLAND.

This reservation contains an area of 2.75 acres, and is situated on Narrows Island, in Damariscotta River, Boothbay, in Lincoln County. The title is as follows:

Deed from John A. Kennedy to the United States, dated August 6, 1808, conveying 2.75 acres. Deed recorded in Liber 67, folio 33, of the deed records of Lincoln County.

FORT POPHAM.

This reservation contains an area of $6\frac{2}{3}$ acres ($3\frac{1}{3}$ of which are flats) and is situated on Hunnewells Point, in the town of Phipsburg, west bank of the Kennebec River, near its mouth, and about 10 miles below the city of Bath, in the County of Sagadahoc. The title is as follows:

1. Deed from Joshua Sharr to the United States, dated June 21, 1808, conveying 2 acres. Deed recorded in Liber 70, folio 6, of the deed records of Lincoln County.

2. Deed from Nathaniel Perkins et al. to the United States, dated June 22, 1863, conveying weir privileges, etc. Deed recorded in Vol. 22, pages 71 to 74, inclusive, of the deed records of Sagadahoc County.

3. Deed from Thomas Spinney et al. to the United States, dated June 22, 1863, conveying flats, beach, fishing privileges, etc. Deed recorded in Vol. 22, pages 68 to 71, inclusive, of the deed records of Sagadahoc County.

4. Deed from Charles A. Clark and wife to the United States, dated June 1, 1863, conveying all the lands and flats owned by the Grantor on Hunnewell's Point, etc. Deed recorded in Vol. 22, pages 78 to 82, inclusive, of the deed records of Sagadahoc County.

5. Condemnation proceedings involving the lands, etc., in foregoing deeds marked Nos. 2, 3, and 4. Decree entered of record in the Office of the County Commissioners of Sagadahoc County, June 4, 1862.

Jurisdiction over this fort was ceded to the United States by the act of the State Legislature approved April 17, 1857, (for which see Fort Gorges,) and by the following act, approved January 9, 1862:

"*Be it enacted, etc.,*

"SECTION 1. The United States may hold forever for the erection and maintaining of a fort thereupon, certain territory situated at Hunnewell's point, at the mouth of the Kennebec river, in the town of Phipsburg, within the county of Sagadahoc, included within the following boundaries, to wit: Beginning at the limits of the land of the United States on Adkins bay at low water; thence running by low water westerly to a point fourteen rods west of the old wharf; thence south thirty-one degrees east, three hundred and fourteen feet to a point abreast of, and seven rods from, the first ledge of rocks; thence southerly six degrees east, to high water mark, on land owned by George Irvin;

thence by high water mark to Larcy's rock; thence easterly by said rock to low water mark; thence by low water mark to land owned by the United States; thence by said land to the place of beginning, and containing five and a quarter acres, with all the buildings, structures, and improvements of every kind situated thereon; reserving such jurisdiction as the state has in other places within the same, ceded to, or held by the United States for similar purposes; *Provided*, That the United States shall pay to the owners of said estate such compensation as shall be ascertained in the manner prescribed by this act as hereinafter provided."

PORTLAND HEAD BATTERY.

This reservation contains an area of about 45 acres and is situated at Portland Head, in the Town of Cape Elizabeth, Cumberland County. The title is as follows:

1. Deed from Asa T. Webster and wife to the United States, dated January 19, 1872, conveying 14 acres. Deed recorded in Book 388, page 567, of the deed records of Cumberland County.

2. Deed from George C. Thompson and wife to the United States, dated October 14, 1873, conveying tract conveyed to him by the Sheriff, etc. Deed recorded in Book 407, page 189, of the deed records of Cumberland County.

3. Deed from William L. Pennell, Sheriff, etc. (in Condemnation proceedings), to the United States, dated October 14, 1873, conveying 9 acres. Deed of Sheriff recorded in Book 406, page 181, of the deed records of Cumberland County.

4. Deed from William L. Pennell, Sheriff, etc. (in Condemnation proceedings), to the United States, dated October 14, 1873, conveying 13 acres. Deed of Sheriff recorded in Book 406, page 177, of the deed records of Cumberland County.

5. Deed from Green Walden and wife to the United States, dated November 10, 1873, conveying 0.50 acre. Deed recorded in Book 407, page 140, of the deed records of Cumberland County.

6. Deed from Benjamin B. Dyer and wife to the United States, dated November 26, 1873, conveying 9 acres. Deed recorded in Book 407, page 190, of the deed records of Cumberland County.

For jurisdiction see Fort Gorges; see also Fort Preble.

FORT PREBLE.

This reservation contains an area of 24 acres. It is situated on the east side of Portland Harbor at Spring Point, 2 miles from the City of Portland in Cumberland County. The title is as follows:

1. Deed from Ebenezer Thrasher and wife to the United States, dated February 29, 1808, conveying 5 acres. Deed recorded in Liber 53, folio 533, etc., of the deed records of Cumberland County.

2. Deed from Robert Thrasher et al., to the United States, dated April 17, 1833, conveying two-thirds interest in 2 acres. Deed recorded in Book 132, page 642, of the deed records of Cumberland County.

3. Deed from John D. Buzzell, Guardian, etc., to the United States, dated May 9, 1833, one-third interest in 2 acres. Deed recorded in Book 133, pages 191–192, of the deed records of Cumberland County.

4. Deed from Horace M. Day and wife et al., to the United States, dated April 8, 1871, conveying the tract therein described. Deed recorded in Book 384, page 420, of the deed records of Cumberland County.

5. Deed from James B. Thornton to the United States, dated April 11, 1871, conveying by way of release all interest in land described in Deed marked "4." Deed recorded in Book 382, page 267, of the deed records of Cumberland County.

6. Deed from Lucretia T. Adams and John Adams to the United States, dated April 14, 1871, conveying lots 20 to 31, inclusive, and other tracts of the estate of Ebenezer Thrasher, deceased. Deed recorded in Book 383, page 530, and their Power of Attorney, recorded in Book 384, page 402, of the deed records of Cumberland County.

7. Deed from Sarah J. T. Libby to the United States, dated April 14, 1871, conveying certain land near Fort Preble. Deed recorded in Book 383, page 534, of the deed records of Cumberland County.

8. Deed from Reuben S. Smart and wife to the United States, dated April 14, 1871, conveying land near Fort Preble. Deed recorded in Book 383, page 531, of the deed records of Cumberland County.

9. Deed from Henry S. Thrasher and wife to the United States, dated April 14, 1871, conveying land near Fort Preble. Deed recorded in Book 383, page 535, of the deed records of Cumberland County.

10. Deed from Lydia B. Thrasher to the United States, dated April 14, 1871, conveying all her interest in certain land as the widow of Ebenezer Thrasher, deceased. Deed recorded in Book 383, page 532, of the deed records of Cumberland County.

11. Deed from Edward M. Tucker to the United States, dated April 14, 1871, conveying Lots 1 and 2 of Estate of Ebenezer Thrasher, deceased. Deed recorded in Book 383, page 533, of the deed records of Cumberland County.

12. Deed from Deborah Fisher and G. S. Fisher to the United States, dated May 12, 1871, conveying Lots 16, 17, 18, 19, 32, 33, 34, 35, 36, 37, and 38 of the estate of Ebenezer Thrasher, deceased; also all his interest, etc., in Lots 5 and 6 of said estate and other property described. Deed recorded in Book 387, page 148, of the deed records of Cumberland County.

13. Deed from Deborah Fisher and husband to the United States, dated November 21, 1871, conveying Lot 15 of the estate of Ebenezer Thrasher, deceased. Deed recorded in Book 389, page 309, of the deed records of Cumberland County.

14. Deed from Thomas B. Grant and wife to the United States, dated October 27, 1874, conveying 9,024 square feet of land, etc. Deed recorded in Book 411, page 496, of the deed records of Cumberland County.

15. Deed from George W. Libby to the United States, dated December 29, 1874, conveying 3,300 square feet of land. Deed recorded in Book 414, page 219, of the deed records of Cumberland County.

16. Deed from Paulina T. Grant and husband to the United States, dated February 3, 1875, conveyance to correct descriptions in former deeds. Deed recorded in Book 416, page 557, of the deed records of Cumberland County.

17. Deed from Bridget Brown and husband to the United States, dated February 16, 1875, conveying 3,000 square feet of land. Deed recorded in Book 414, page 274, of the deed records of Cumberland County.

18. Deed from Lewis Piper to the United States, dated February 16, 1875, conveying (by release) the land conveyed by Bridget Brown to the United States. Deed recorded in Book 408, page 413, of the deed records of Cumberland County.

19. Deed from Paulina T. Grant and husband to the United States, dated May 30, 1876, conveying 16,400 square feet of land. Deed

recorded in Book 431, page 183, of the deed records of Cumberland County.

20. Deed from Reuben S. Smart and wife to the United States, dated June 28, 1876, conveying 27,437 square feet of land and a certain right of way Deed recorded in Book 434, page 98, of the deed records of Cumberland County.

21. Deed from Joseph M. York and wife to the United States, dated June 28, 1876, conveying 7,060 square feet of land, etc. Deed recorded in Book 429, page 524, of the deed records of Cumberland County.

22. Deed from Leander S. Arsy et al., to the United States, dated September 18, 1896, conveying 48 square rods. Deed recorded in Book 644, page 37, of the deed records of Cumberland County.

23. Deed from William W. Goold to the United States, dated September 18, 1896, conveying a tract of land in South Portland formerly Cape Elizabeth, therein described. Deed recorded in Book 644, page 38, of the deed records of Cumberland County.

24. Deed from William Goddard et al., to the United States, dated September 18, 1896, conveying as heirs at law of Hannah Goddard, deceased, their interest in lands near Fort Preble. Deed recorded in Book 644, page 80, of the deed records of Cumberland County.

25. Deed from George W. Libby to the United States, dated September 19, 1896, conveying 3,685 square feet of land. Deed recorded in Book 644, page 40, of the deed records of Cumberland County.

26. Deed from Catherine Green to the United States, dated September 19, 1896, conveying 10,635 square feet of land. Deed recorded in Book 644, page 39, of the deed records of Cumberland County.

Jurisdiction ceded by an Act of the General Court of the State of Massachusetts, passed March 12, 1808, for which see Fort Scammel, and see also an act of the State Legislature of Maine, approved February 18, 1871, which if it cedes jurisdiction over fortifications, etc., provides as follows:

"SECTION 1. In accordance with the constitution of the United States, article one, section eight, clause seventeen, and acts of congress in such cases provided, the consent of the legislature is given to the purchase by the government of the United States, or under its authority, of any tract of land, from any individuals or bodies politic or corporate, within the state, for the erection of light-houses and other needful public buildings; and all deeds and conveyances or title-papers for the same, shall be recorded upon the land records of the county in which the land so conveyed may lie; and in like manner may be recorded, a sufficient description, by metes and bounds, courses and distances, of any tracts and legal divisions, of any public land belonging to the United States, set apart by the general government for either of the purposes before mentioned, by an order, patent, or other official paper, so describing such land.

"SEC. 2. Lands so selected, with the tenements and appurtenances for the purposes before mentioned, are exempt from taxation by the State."

ST. GEORGES.

This reservation contains 2 acres 2 roods and 20 rods. It is known as "Robinsons Point," and is situated on the eastern side of St. Georges River, in the town of St. George, in Lincoln County. The title is as follows:

Deed from Joseph Robinson to the United States, dated September 22, 1808, conveying the above site. Deed recorded in Liber 64, folio 126, of the deed records of Lincoln County.

FORT SCAMMEL.

This reservation contains an area of 12 acres, and is situated on the Southwestern part of House Island, near the entrance to Portland Harbor, in Cumberland County. The title is as follows:

Deed from John Green Walden and wife to the United States, dated February 29, 1808, conveying the 12 acres of land. Deed recorded in Liber 53, folio 531, etc., of the deed records of Cumberland County. This territory being at the date of the above deed a part of the Commonwealth of Massachusetts, jurisdiction was ceded by an act of the General Court of that Commonwealth approved March 12, 1808, as follows:

"SECTION 1. *Be it enacted, etc.*, That there be and hereby is ceded to the United States of America the jurisdiction of the southwest end of House Island, near the entrance of Portland Harbor, the northeast boundary of which land, is a line commencing at a large brown rock six rods from high-water mark; thence south thirty-seven degrees east, five rods across the narrow part of said Island, also five acres of land situate on the extreme end of spring point, opposite said House Island, for the purpose of erecting Batteries, and other works for the defence of Portland harbor, which lands shall be laid out, at or before the time of erecting of such public works and a description thereof in writing entered in the registry of deeds in the County of Cumberland.

"SEC. 2. That this Commonwealth shall have concurrent jurisdiction with the United States, in and over the said lands, so far as that all civil and criminal processes, issued under the authority of this Commonwealth or any officer thereof, may be executed on any part of said granted premises, or in any building thereon to be erected, in the same way and manner, as if the jurisdiction had not been granted as aforesaid."

See also Fort Gorges.

AUGUSTA NATIONAL CEMETERY.

This cemetery property comprises Lots Numbered 17, 18, 19, 49, 50, and 51, in "Mount Pleasant Cemetery," in the City of Augusta, in Kennebec County. The title is as follows:

Deed from the City of Augusta to the United States, dated December 27, 1870, conveying Lots 17, 18, 19, 49, 50, and 51, in the east range of "Mount Pleasant Cemetery." Deed recorded in Vol. 274, page 531, of the Kennebec Registry of Deeds, together with a copy of the record of the order of the Board of Aldermen of the City of Augusta, passed November 26, 1870. Jurisdiction was ceded by an act of the State Legislature approved February 4, 1889, as follows:

"*Be it enacted, etc.*, SECTION 1. That there be, and hereby is, ceded to the United States of America, the jurisdiction of lots number seventeen, eighteen, nineteen, forty-nine, fifty and fifty-one, in the east range of lots in Mount Pleasant Cemetery in the City of Augusta, said lots containing the graves of soldiers of the United States of America, whose names are unknown.

"SEC. 2. That this state shall have concurrent jurisdiction with the United States of America over the lots described in the first section of this act, so far, that all civil, criminal and military process, issued under the authority of this state, or any officer thereof, may be executed on any part of said lots, in the same manner as if this jurisdiction had not been ceded."

MARYLAND.

FORT CARROLL.

This reservation contains about 4 acres, and is an artificially constructed site for a fort. It is situated in the harbor, near Baltimore, about 6½ miles from Light street wharf. Jurisdiction is believed to have been ceded by an act of the State Legislature approved March 6, 1847, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of the State of Maryland be, and the same is hereby, given to the United States to erect works of fortification on Sollers Point Flats, in the Patapsco River; and that the right of jurisdiction is hereby ceded to the United States over any works of fortification that may be erected by them on the said Sollers Point Flats, in the Patapsco River; said jurisdiction to extend in all directions one-fourth of a mile beyond any part of the works and their appendages."

FORT FOOTE.

This reservation contains an area 66 Acres 2 Roods and 17¼ Perches, and is situated on the left bank of the Potomac River, on Roziers bluff, 8 miles below Washington, District of Columbia, in Prince George County. The title is as follows:

1. Deed from Woodbury Wheeler, Trustee, etc., to the United States, dated December 26, 1872, conveying 51 Acres 1 Rood, and 12¾ perches of land. Deed recorded in Liber H. B. No. C, folio 758, etc., of the land records of Prince George County.

2. Deed from Francis W. Rozier and wife to the United States, dated January 25, 1873, conveying 15 acres 1 Rood and 4½ perches of land. Deed recorded in Liber H. B. No. C, folio 760, etc., of the land records of Prince George County.

Jurisdiction was ceded to the United States by an act of the State Legislature approved April 1, 1872, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction and control of the lands hereinafter described, or any portion thereof, situate on the Potomac River, in Prince George County, that may hereafter be conveyed by deed duly executed, acknowledged, and recorded to the United States of America for the site of a fort, and the water, water rights, and all other rights appertaining thereto, whenever the same shall be so conveyed, be and the same is hereby vested in the United States of America for military and naval purposes; * * * *provided, always*, that this cession and jurisdiction are granted upon the express condition that this State shall retain a concurrent jurisdiction with the United States, in and on the said ceded lands and territory or the portion thereof that may be so as aforesaid conveyed, so far as that all civil and such criminal process as may issue under the authority of this State, against any person or persons charged with crimes committed without said lands and ceded territory, may be executed therein the same way *an* manner as though this cession and consent had never been made or granted, except so far as such process may effect the real and personal property of the United States within the said ceded territory.

"SEC. 2. *And be it enacted*, That the said lands or portion thereof, when conveyed as aforesaid and over which the jurisdiction is granted by this Act, together with all personal property which may thereafter be within the bounds thereof, belonging to the United States, or to any

of the officers or agents of the United States, shall be exonerated and discharged from all taxes and assessments which may be at any time imposed by the authority of this State, (when) so long as the said lands or portion thereof respectively are and shall remain the property of the United States, and be used for the purposes aforesaid."

HAWKINS POINT.

This reservation contains 12.47 acres and is situated at Hawkins Point, in Anne Arundel County. The title is as follows:

Condemnation proceedings for above-described property in case wherein the United States was plaintiff and Thomas C. Chappell (Claimant) defendant, in the District Court of the United States for the District of Maryland. Decree rendered October 9, 1896, and filed with the record in said cause in the Clerk's Office of said District Court. Consent was given to condemnation proceedings by Acts of the State Legislature approved April 2 and 11, 1874. Jurisdiction is ceded by the above-cited Act of the State Legislature approved April 11, 1874, as follows:

"SEC. 13. Jurisdiction is hereby ceded to the United States over such lands as shall be condemned as aforesaid for their use for public purposes, as soon as the same shall be condemned, under the sanction of the general assembly of this State hereinbefore given to said condemnation; provided, always, that this State shall retain concurrent jurisdiction with the United States in and over all lands condemned under the provisions of this article, so far as that all processes, civil and criminal, issuing under the authority of this State, or any of the courts or judicial officers thereof, may be executed on the premises so condemned, and in any building erected or to be erected thereon, in the same way and manner as if this article had not been passed; and exclusive jurisdiction shall revert to and revest in the State, whenever the said premises shall cease to be owned by the United States and used for some of the purposes mentioned in this article.

"SEC. 14. All the lands that may be condemned under the provisions of this article, and the buildings and improvements erected or to be erected thereon, and the personal property of the United States, and of the officers thereof, when upon said land, shall be exonerated and exempted from taxation for State and county purposes, so long as the said land shall continue to be owned by the United States and used for any of the purposes specified in this article and no longer."

FORT McHENRY.

This reservation contains an area of 34 acres, 2 Roods and 6 perches of land, and is situated on Whetstone Point, in the City of Baltimore, in Baltimore County. The title is as follows:

1. Deed from Alexander Furnival to the United States, dated July 20, 1795, conveying about 7 acres and 56 perches of land. Deed recorded in Liber W. G. No. S S, folio 142, etc., of the land records of Baltimore County.

2. Deed from William Goodman to the United States, dated November 6, 1798, conveying 2 acres of land. Deed recorded in Liber W. G. No. 56, folio 440, etc., of the land records of Baltimore County.

3. Deed from William Goodman to the United States, dated August 26, 1800, conveying 11 acres 3 Roods and 25 perches of land. Deed recorded in Liber W. G. No. 61, folio 580, etc., of the land records of Baltimore County.

4. Deed from John O'Donnell to the United States, dated January 14, 1804, conveying 5 acres of land. Deed recorded in Liber W. G. No. 78, folio 43, etc., of the land records of Baltimore County.

5. Deed from Thomas B. Dorsey et al. to the United States, dated September 10, 1836, conveying Lots 60, 62, 64, etc. Deed recorded in Liber T. K. No. 263, folio 194, etc., of the land records of Baltimore County.

6. Deed from James Bosley and wife to the United States, dated September 15, 1836, conveying Lot 61, containing 2 acres and 2 Roods of land. Deed recorded in Liber T. K. No. 263, folio 196, etc., of the land records of Baltimore County.

7. Deed from Luke Kiersted and wife to the United States, dated September 29, 1836, conveying Lot No. 63. Deed recorded in Liber T. K. No. 264, folio 326, etc., of the land records of Baltimore County.

8. Deed from Elizabeth Conkling et al. to the United States, dated October 8, 1836, conveying Lot 63 and part of "Upton Court." Deed recorded in Liber T. K. No. 264, folio 324, etc., of the land records of Baltimore County.

9. Deed from John Glenn et al. to the United States, dated October 25, 1837, conveying 3 acres 1 Rood and 29 perches of land. Deed recorded in Liber T. K. No. 274, folio 400, etc., of the land records of Baltimore County.

10. Deed from Richard W. Gill to the United States, dated November 16, 1836, conveying between 5 and 6 acres of land. Deed recorded in Liber T. K. No. 265, folio 189, etc., of the land records of Baltimore County.

The area of land conveyed by the foregoing described deeds aggregates 45 acres 2 roods and 6 perches, and the purchase thereof was authorized by Acts of Congress approved March 20, 1794, and July 2, 1836. By authority of the Act of Congress approved June 19, 1878, the area was reduced by a transfer to the Baltimore Dry Dock Company of about 11 acres.

Jurisdiction over one part of this reservation was ceded to the United States by Resolution No. 65 of the State Legislature, passed January 30, 1816, and by the proceedings of the Governor and Council at a meeting begun and held on February 27, 1816; and jurisdiction as to the other part was ceded by an act passed March 29, 1838.

The resolution, proceedings, and act provide as follows:

"*Resolved*, That the Governor and Council be, and they are hereby, authorized and requested, in the recess of the Legislature, to arrange with the General Government for the establishment of such sites within this State for the completion and establishment of fortifications as may be agreed on, and the jurisdiction of the same is hereby relinquished to the United States." (Resolution No. 65, passed January 30, 1816.)

"Be it known that in pursuance of the power vested by said resolve in the Governor and Council, jurisdiction is hereby ceded to the United States of the following ground and territory, to wit:

* * * "that parcel of land situate in Baltimore County on which Fort McHenry is built, and the whole of the premises thereto adjoining, the legal title to which was conveyed to the United States.

"And the Governor and Council of Maryland, in behalf of said State, and in virtue of the authority conferred by the resolve aforesaid, hereby release all claim and right of jurisdiction of the State of Maryland in and over said parcels of land to the United States for the purposes expressed in said resolve." (Extract from proceedings of a meeting of the Governor and Council begun and held on the 27th day of February, 1816.)

"Whereas, It is represented to the General Assembly that the United States have purchased certain lots of ground on Whetstone Point, near the city of Baltimore, in order the more effectually to promote the ends of the Government in the erection of fortifications at Fort McHenry, which this Legislature duly appeciate: Therefore,

"*Be it enacted, etc.*, That the right of jurisdiction of the State of Maryland in and over the lands comprehended in lots numbers thirty-four, thirty-five, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five. sixty-six, and sixty-seven, lying and adjoining Fort McHenry, on Whetstone Point, near the City of Baltimore, which have been purchased by the United States, the deeds whereof are among the records of Baltimore County, and also that part of the main road leading to Fort McHenry which lies between the said lots, be, and the same is hereby, relinquished, ceded, and made over to the United States for the purposes aforesaid." (Passed March 29, 1838.)

NORTH POINT.

This reservation contains an area of 28.50 Acres. It is situated at North Point, in Baltimore County. The title is as follows:

1. Decree of condemnation for said tract in cause No. 140, The United States *v.* The Canton, Sparrow's Point and North Point Railroad Company, in the District Court of the United States for the District of Maryland. Decree rendered July 22, 1896, and filed with the record in the Clerk's Office of said District Court, also recorded in Judicial Liber L. M. B., No. 135, folio 159 of the records of the Circuit Court for Baltimore County.

2. Deed from the Canton, Sparrow's Point and North Point Railroad Company to the United States, dated November 25, 1896, conveying 28.50 acres, and appurtenances, improvements, etc. Deed recorded in Liber L. M. B., No. 221, folio 22, etc., of the land records of Baltimore County.

For consent to purchase and condemn and for jurisdiction see Hawkin's Point.

PIKESVILLE ARSENAL.

This reservation contains an area of 14 acres and 147 square perches of land, and is situated near Baltimore, in Baltimore County. The title is as follows:

1. Deed from James Smith and wife to the United States, dated June 18, 1816, conveying above tract.

2. Deed from James Smith and wife to the United States, dated February 25, 1819, conveying the above 14 acres and 147 square perches of land. Deed recorded in Liber W. G., No. 150, folio 197, etc., of the land records of Baltimore County.

ROCK POINT.

This reservation contains an area of 100 acres, and is situated at Rock Point, in Anne Arundel County. The title is as follows:

1. Decree in condemnation proceedings for said 100 acres in case wherein the United States, etc., were plaintiffs, and certain land situated at Rock Point, Maryland—Flavius W. Hancock, Cassie Owens, and Oliver S. Owens, Defendants, in the District Court of the United States for the District of Maryland. Decree rendered June 2, 1896, and filed with the record in the Clerk's Office of said court.

2. Deed from Flavius W. Hancock et al. to the United States, dated July 21, 1896, conveying the above 100 acres. Deed recorded in Liber G. W., No. 3, folio 316, etc., of the land records of Anne Arundel County.

For consent to purchase or condemn and for jurisdiction see Hawkin's Point.

FORT WASHINGTON.

This reservation contains an area of 333 acres 3 Roods and 11 Perches of land, and is situated on the left bank of the Potomac, about 14 miles below the city of Washington, near the mouth of Piscataway Creek. The title is as follows:

1. Deed from Thomas A. Digges to the United States, dated April 15, 1808, conveying 3 Acres and 127 perches of land. Deed recorded in Liber I. R. M., No. 12, folio 579, etc., of the land records of Prince George County.

2. Deed from Thomas A. Digges et al. to the United States, dated August 31, 1815, conveying 9 acres and 23 perches of land. Deed recorded in Liber T. H., No. 1, folios 49, etc., of the land records of the Court of Appeals for the Western shore of Maryland (Prince George County). See also Liber I. B. B., No. 2, folio 57, etc., of the land records of Prince George County.

3. Deed from Norah Digges, Executrix, etc., to the United States, dated May 27, 1833, conveying 43 Acres 2 Roods and 24 Rods. Deed recorded in Liber A. B., No. 8, folio 220, etc., of the land records of Prince George County.

4. Deed from Richard Wallack, Trustee, etc., to the United States, dated November 18, 1833, conveying the same 43 Acres 2 Roods and 24 Rods. Deed recorded in Liber A. B., No. 8, folio 215, etc., of the land records of Prince George County.

5. Deed from Joseph K. Roberts, Jr., Trustee, etc., to the United States, dated January 19, 1875, conveying 289 acres and 27 perches of land. Deed recorded in Liber H. B., No. 10, folio 21, etc., of the land records of Prince George County.

6. Release by Norah Digges to the United States in the case of "Lessee of George A. Digges and others *v.* The United States, in the Circuit Court of the United States for the District of Maryland." Filed in the Clerk's Office of said court with the record in said cause November 14, 1848.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved April 11, 1874, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction and control over the residue of the lands owned by the United States, and constituting the site of Fort Washington, in the county of Prince George, and the jurisdiction and control over the lands hereinafter described or any portion thereof, in said county, that may be hereafter conveyed by deed duly executed, acknowledged, and recorded to the United States, and the water, water rights, and all other rights appertaining thereto, be and the same is hereby ceded and vested in the United States of America for Military and Naval purposes; the said cession, as to said land that may hereafter be conveyed, to take effect whenever the same shall be so conveyed; beginning for the said lands to be hereafter conveyed * * * the same comprising the two parcels of ground, parts of Warburton Manor, and mentioned and conveyed in a deed from John Johnson and Thomas S. Alexander, trustees, to William

Kerly; recorded among the land records of Prince George county, liber J. B. B., No. 4, folio eight hundred and six, &c.; *provided, always*, that this cession and jurisdiction are granted upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and on the said ceded lands and territory, so far as that all civil and such criminal process as may issue under the authority of this State, against any person or persons charged with crimes committed without said lands and ceded territory, may be executed therein, in the same way and manner as though this cession and consent had never been made and granted, except so far as such process may effect the real and personal property of the United States within the said ceded territory.

"SEC. 2. *Be it enacted*, That the said lands over which the jurisdiction is granted by this act, together with all personal property which may thereafter be within the bounds thereof, belonging to the United States, or to any of the officers or agents of the United States, shall be exonerated and discharged from all taxes and assessments which may be at any time imposed by the authority of this State, when and so long as the said lands or portion thereof, respectively, are and shall remain the property of the United States, and be used for the purpose aforesaid."

ANTIETAM BATTLEFIELD.

This reservation contains an area of about 20 acres, and is situated in Washington County, Md., the lands being acquired under Acts of Congress approved August 5, 1892, March 2, 1895, and June 11, 1896, respectively, for the purpose of marking the lines of battle upon the Battlefield of Antietam. The title is as follows:

1. Deed from Samuel D. Piper and wife to the United States, dated April 10, 1895, conveying 3 acres and 21 perches of land. Deed recorded in Liber No. 103, folio 603, etc., of the land records of Washington County.

2. Deed from William Roulette and wife to the United States, dated April 10, 1895, conveying 63 square perches of land, etc. Deed recorded in Liber No. 103, folio 605, etc., of the land records of Washington County.

3. Deed from Caleb Michael and wife to the United States, dated April 10, 1895, conveying 1 Acre and 3 Roods of land, etc. Deed recorded in Liber No. 103, folio 609, of the land records of Washington County.

4. Deed from Jacob B. Stine and wife to the United States, dated April 10, 1895, conveying 47 square perches of land, etc. Deed recorded in Liber No. 103, folio 603, etc., of the land records of Washington County.

5. Deed from Michael Tenant et al. to the United States, dated April 10, 1895, conveying 91 square perches of land, etc. Deed recorded in Liber No. 104, folio 56, etc., of the land records of Washington County.

6. Deed from Urias Gross et al. to the United States, dated April 10, 1895, conveying 158 square perches of land, etc. Deed recorded in Liber No. 104, folios 57, etc., of the land records of Washington County.

7. Deed from Resin D. Fisher and wife to the United States, dated April 11, 1895, conveying 3 Roods and 1 square perch of land, etc. Deed recorded in Liber No. 103, folios 608, etc., of the land records of Washington County.

8. Deed from Abraham Hoffmaster et al. to the United States, dated April 11, 1895, conveying 32½ square perches of land, etc. Deed

recorded in Liber No. 103, folio 602, of the land records of Washington County.

9. Deed from Anna Newcomer to the United States, dated April 15, 1895, conveying 1 Acre, 2 Roods, and 8 perches of land, etc. Deed recorded in Liber No. 103, folio 604, etc., of the land records of Washington County.

10. Deed from George H. Poffenberger et al. to the United States, dated April 17, 1895, conveying 2 Acres, 1 Rood, and 9 square perches of land, etc. Deed recorded in Liber No. 104, folio 54, etc., of the land records of Washington County.

11. Deed from Otho J. Poffenberger and wife to the United States, dated April 25, 1895, conveying 2 Acres, 2 Roods, and 1 square perch of land, etc. Deed recorded in Liber No. 103, folio 606, etc., of the land records of Washington County.

12. Deed from Euromus H. Hoffman to the United States, dated April 26, 1895, conveying 1 Acre and 3¼ square perches of land, etc. Deed recorded in Liber No. 103, folio 608, of the land records of Washington County.

13. Deed from Cyrus Hicks Remsburg and wife to the United States, dated May 10, 1895, conveying 47 square perches of land, etc. Deed recorded in Liber No. 104, folio 54, of the land records of Washington County.

14. Deed from Jacob Buehler el al. to the United States, dated June 10, 1895, conveying 2 Roods and 20 square perches of land, etc. Deed recorded in Liber No. 103, folio 606, etc., of the land records of Washington County.

15. Deed from Caleb Michael and wife to the United States, dated June 28, 1895, conveying 14½ square perches of land. Deed recorded in Liber No. 104, folio 55, etc., of the land records of Washington County.

16. Deed from Euromus H. Hoffman to the United States, dated July 2, 1896, conveying 4 Acres and 37 perches of land. Deed recorded in Liber G. B. O., No. 105, folio 224, of the land records of Washington County.

17. Deed from Hezekiah H. Thomas et al. to the United States, dated July 2, 1896, conveying 106 square perches of land. Deed recorded in Liber G. B. O., No. 105, folio 366, etc., of the land records of Washington County.

18. Deed from Alexander W. Davis to the United States, dated July 8, 1896, conveying 56½ square perches of land. Deed recorded in Liber G. B. O., No. 105, folio 367, etc., of the land records of Washington County.

19. Deed from Charles Currie and wife to the United States, dated November 22, 1895, conveying 13 perches of land, etc. Deed recorded in Liber No. 104, folio 566, etc., of the land records of Washington County.

20. Deed from Hannah Nicodemus et al. to the the United States, dated December 23, 1896, conveying 12 square perches of land. Deed recorded in Liber No. 106, folios 40, 41, of the land records of Washington County.

21. Deed from Rush C. Hawkins, Trustee, etc., to the United States, dated May 17, 1897, conveying 3,600 square feet of land. Deed recorded in Liber No. 106, folio 562, etc., of the land records of Washington County.

ANTIETAM NATIONAL CEMETERY.

This Cemetery contains an area of 11 acres, and is situated at Sharpsburg, in Washington County. The title is as follows:

1. The State of Maryland to the United States by an Act of the State Legislature, approved March 13, 1878, conveying all right, title, and interest of the State and as Trustee for other States. (See act appended hereto.)

2. The State of New York consenting to the transfer by Maryland by an Act of the State Legislature, approved January 19, 1878.

3. The State of New Jersey by an Act of the State Legislature, approved February 7, 1878.

4. The State of Maine by an Act of the State Legislature, approved February 12, 1878.

5. The State of Wisconsin by an Act of the State Legislature, approved March 1, 1878.

6. The State of Connecticut by an Act of the State Legislature, approved March 26, 1878.

7. The State of Massachusetts by an Act of the State Legislature, approved March 29, 1878.

8. The State of Rhode Island by an Act of the State Legislature, approved April 12, 1878.

9. The State of Pennsylvania by an Act of the State Legislature, approved April 24, 1878.

10. The State of New Hampshire by an Act of the State Legislature, approved August 9, 1878.

11. The State of Vermont by an Act of the State Legislature, approved October 18, 1878.

12. The State of Michigan by an Act of the State Legislature, approved January 30, 1879.

13. The State of Minnesota by an Act of the State Legislature, approved March 3, 1879.

14. The State of West Virginia by an Act of the State Legislature, approved March 11, 1879.

15. The State of Indiana by an Act of the State Legislature, approved March 29, 1879.

16. The State of Ohio by an Act of the State Legislature, approved May 6, 1879.

17. Deed from Daniel H. Rhorback and wife to the Antietam National Cemetery, dated September 25, 1865, conveying 1 Acre, 1 rood, and 9 perches of land. Deed recorded in Liber L. B. N., No. 1, folio 188, etc., of the land records of Washington County.

18. Deed from Boonsborough Turnpike Company to the United States, dated March 3, 1888, conveying the right of way, etc., over and control of part of Turnpike.

Title and also jurisdiction was ceded to the United States by an act of the State Legislature, approved March 13, 1878, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That all the right, title and interest of the State of Maryland, and of the said State of Maryland acting as Trustee for other States, as hereinbefore set forth, in and to the land occupied by the Antietam National Cemetery, in the county of Washington, in the State of Maryland, * * * be, and the same is hereby ceded, conveyed, transferred, and granted, with all the rights, privileges, hereditaments, and appurtenances thereunto belonging or pertaining to the United States of America, in fee simple, to have and to hold forever.

"SEC. 2. *And be it enacted*, That jurisdiction and control over the land conveyed by this act, as hereinbefore provided, be, and the same are hereby, granted and ceded to the United States of America; *Provided always*, That this cession and jurisdiction are granted upon the express condition that this Commonwealth shall retain concurrent jurisdiction with the United States in, and on the said ceded lands, so far as, that all civil and such criminal process as may issue under the authority of this State against any person or persons charged with crimes committed without the limits of said National Cemetery and in the State of Maryland, may be executed in the same way and manner as though this cession and consent had never been made and granted, except so far as such process may affect the real and personal property of the United States, within the limits of the said National Cemetery.

"SEC. 3. *And be it enacted*, That the lands conveyed as herein provided, and over which jurisdiction is granted by this act, together with all personal property which may hereafter be within the bounds of said cemetery belonging to the United States, or to any of the officers or agents of the United States, shall be exonerated and discharged from all taxes and assessments which may be at any time imposed by the authority of this State, so long as the said lands shall remain the property of the United States, and be used for the purposes indicated in the act of this Assembly, passed March twenty-third, eighteen hundred and sixty-five, hereinbefore referred to."

ANNAPOLIS NATIONAL CEMETERY.

This reservation contains an area of 4⅛ acres, and is situated at Annapolis, in Anne Arundel County. The title is as follows:

Deed from Nicholas Brewer, Executor, etc., to the United States, dated February 28, 1871, conveying 4⅛ acres. Deed recorded in Liber S. H. No. 5, folios 583, etc., of the land records of Anne Arundel County.

Jurisdiction was ceded to the United States by the following act of the State Legislature, approved April 1, 1872:

"SECTION 1. *Be it enacted, etc.*, That jurisdiction and control over the lands conveyed by Nicholas Brewer, executor of Nicholas Brewer, deceased, to the United States of America, as a National Cemetery, by deed bearing date twenty-eighth day of July, eighteen hundred and seventy-one, duly executed, acknowledged and recorded in Liber S. H., number five, folio five hundred and eighty-three, one of the land record books of Anne Arundel county, be and the same are hereby granted and ceded to the said United States of America, which said lands are a part of the lands called 'Todd's Range,' lying and being in Anne Arundel county * * * : *Provided, always*, That this cession and jurisdiction are granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States, in and on the said ceded lands, so far as, that all civil, and such criminal process as may issue under the authority of this State against any person or persons charged with crimes committed without the limits of said National Cemetery, and in the State of Maryland, may be executed therein in the same way and manner as though this cession and consent had never been made and granted, except so far as such process may effect the real and personal property of the United States, within the limits of the said National Cemetery.

"SEC. 2. *And be it enacted*, That the lands conveyed as aforesaid, and over which the jurisdiction is granted by this Act, together with all personal property which may hereafter be within the bounds thereof belonging to the United States, or to any of the officers or agents of the United States, shall be exonerated and discharged from all taxes and assessments which may be at any time imposed by the authority of this State, so long as the said lands are and shall remain the property of the United States, and be used for the purposes aforesaid."

LAUREL CEMETERY (SOLDIERS' LOTS).

These lots are situated in Laurel Cemetery at Baltimore, in Baltimore County. The lots are numbered 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 341, 342, 343, and 344, all in Area I, containing each 80 superficial feet.

LOUDON PARK NATIONAL CEMETERY.

This reservation contains an area of about 3.69 acres, is situated at Carroll station, near Baltimore, in Baltimore County. The title is as follows:

1. Deed from Loudon Park Cemetery Company to the United States, dated June 5, 1874.
2. Deed from Loudon Park Cemetery Company to the United States, dated July 1, 1875.
3. Deed from Charles C. MacTavish et al. to the United States, dated May 1, 1882, conveying 0.48 acre, and roadbed, etc. Deed recorded in Liber W. M. I. No. 126, folio 296, etc., of the land records of Baltimore County.
4. Deed from James F. Wood et al., Trustees, to the United States, dated September 5, 1882, conveying Lot B, No. 16, containing 0.62 acre; Lot C, No. 42, containing 0.63 acre, and a part of Lot C, No. 17, containing 0.17 acre, with roadbed, etc. Deed recorded in Liber W. M. I. No. 126, folio 307, etc., of the land records of Baltimore County.
5. Deed from Daniel J. Foley, Trustee, etc., to the United States, dated September 9, 1882, conveying Lot D, No. 41, containing 0.56 acre, and roadbed, etc. Deed recorded in Liber W. M. I. No. 126, folio 302, etc., of the land records of Baltimore County.
6. Deed from Loudon Park Cemetery Company to the United States, dated September 20, 1883, conveying 1 Acre and 26¾ square perches of land, with road rights, etc. Deed recorded in Liber W. M. I. No. 128, folio 590, etc., of the land records of Baltimore County.

POINT LOOKOUT NATIONAL CEMETERY.

This reservation contains 5.55 acres, and is situated at Point Lookout in St. Mary County. The title is as follows:

1. Deed from Logan A. Smith and wife to the United States, dated June 30, 1868, conveying said land. Deed recorded in Liber I. A. C. No. 3, of the land records of St. Mary County.
2. Decree of condemnation for same premises in case of Logan A. Smith, Petition for appraisement *v.* The United States, in the District Court of the United States for the District of Maryland. Decree rendered March 3, 1868, and filed with the record in the Clerk's Office of the said court.

MASSACHUSETTS.

FORT ANDREW.

This reservation contains an area of about 6 acres and 134½ rods, including the small tract used by the Light-House Board. It is situated on Gwinet Point, on the north side of the entrance to Plymouth Harbor, near the Town of Plymouth, in Plymouth County. The title is as follows:

1. Deed from Hannah Thomas and Husband to the United States, dated November 10, 1802, conveying 1 acre and 6½ rods (Light-House Land). Deed recorded among the records of deeds for Plymouth County, at Plymouth, November 18, 1802.

2. Deed from Leander Lovell and wife to the United States, dated June 7, 1870, conveying 5⅕ acres (Fort land). Deed recorded in Book 365, pages 247, etc., in the Plymouth County Registry of Deeds.

Jurisdiction was ceded to the United States by an act of the State Legislature approved June 23, 1869, as amended by an act approved June 22, 1870. These acts provide as follows:

"SECTION 1. Jurisdiction is hereby ceded to the United States over the site of Fort Standish, on the Saquish Neck, and over the site of Fort Andrew, on the Gwinet Point (both sites lying to the northward and eastward and near the entrance of the harbor of Plymouth), for the purpose of building and maintaining thereon such forts, arsenals, wharves, or other structures, with their appendages, as may be necessary for the public service and as may be purchased for such use by the United States; and the jurisdiction is also ceded over all the shores, flats and waters contiguous to those sites, and within four hundred yards from low-water mark, and all right, title and claim which the Commonwealth may have to or in the premises aforesaid, is hereby granted to the United States: *Provided*, that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over all the premises aforesaid, as far as that all civil processes and such criminal processes against any person or persons charged with crimes committed without the premises aforesaid as may issue under the authority of this Commonwealth may be executed on said premises and in any building or structure erected or to be erected thereon, in the same way and manner and with the same effect as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. The premises over which jurisdiction is granted by this act, and all structures and other property thereon, shall be exonerated from all taxes and assessments which may be imposed under the authority of this Commonwealth, while said premises shall remain the property of the United States, and shall be used for the purposes intended by this act." (Approved, June 23, 1869.)

The act approved June 22, 1870, amends section 3 of this act so as to provide that the plans of the sites of said forts shall be deposited with the Secretary of the Commonwealth within six months after the United States has acquired title by deed.

BEVERLY GUN HOUSE.

This property contains an area of 2,250 square feet, and is situated in the Town of Beverly, in Essex County. The title is as follows:

Deed from the Town of Beverly to the United States, dated May 17, 1809, conveying the above tract, together with right of way, etc. Concurrent jurisdiction is reserved to the Commonwealth of Massachusetts.

CLARK'S POINT.

This reservation contains about 60 acres of land, and is situated near New Bedford, in Bristol County. The title is as follows:

1. Deed from Francis Allen to the United States, dated June 2, 1800, conveying 141 rods of upland (Light-House site). Deed recorded in Book 79, North District, Land records of Bristol County, page 132, etc.

2. Deed from Butler H. Bixby to the United States, dated September 24, 1857, conveying 60 acres of land by metes and bounds, exclusive of the light-house tract and certain roads included therein. Deed recorded in Book 34, page 431, etc., of the land records of Bristol County.

3. Deed of release from E. H. Howland to the United States, dated June 10, 1859, conveying all interest in all the roads at Clark's Point subject to the conditions of an agreement between the Special Board of Engineers and the City of New Bedford. Deed recorded in Liber 40, folio 232, etc., of the land records of Bristol County (South District). (See also Book 40, page 146, etc., of the land records of Bristol County, said South District).

4. Ordinance of City of New Bedford authorizing Mayor and others to bind the city in the matter of an agreement with the United States in regard to roads. Dated March 31, 1859. In office of City Clerk.

Jurisdiction ceded to the United States by the acts of the State Legislature, approved April 8, 1856, and May 4, 1857, which provide as follows:

"SECTION 1. Jurisdiction is hereby ceded to the United States over Egg Island Shoal, in the harbor of New Bedford, to include all of said shoal above or within low-water mark, and so much thereof, without low-water mark, as shall be bounded by lines drawn four hundred yards distant from, and parallel to, the faces of any fort to be built thereon. Jurisdiction is also ceded to the United States over any tract or tracts of land on Clark's Point, in the city of New Bedford, that may be acquired by the United States for the purpose of building and maintaining thereon forts, magazines, arsenals, dockyards, wharves, and other structures, with their appendages; and over all the contiguous shores, flats, and waters, within four hundred yards from low-water mark; and all right, title, and claim, which this Commonwealth may have to or in the premises aforesaid, is hereby granted to the United States; *Provided*, that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over all the premises aforesaid, so far as that all civil processes and such criminal processes as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the premises aforesaid, may be executed therein in the same way and manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. The premises over which jurisdiction is granted by this act, and all structures and other property thereon, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this Commonwealth while said premises shall remain the property of the United States, and shall be used for the purposes intended by this act." (Approved, April 8, 1856.)

"*Be it enacted, etc.*, The consent of this Commonwealth is hereby granted to the United States taking possession of such and so much land on Clark's Point, in the city of New Bedford, as the United States shall deem needful for the purposes of military defence, upon just and

full compensation being provided for the owners thereof or of any easement in or over the same, in the manner prescribed by law for damages sustained by individuals whose lands are taken for public highways in this Commonwealth; but the consent so given shall not impede the execution of any process, civil or criminal, issued under the authority of this Commonwealth, except so far as such process may affect the real or personal property of the United States within the said territory." (Approved, May 4, 1857.)

GLOUCESTER GUN HOUSE.

This reservation contains 2,800 square feet of ground, and is situated at Gloucester, in Essex County. The title is as follows:

Deed from William Pearce and wife to the United States, dated October 15, 1808, conveying the above tract. Deed recorded in Book 187, Leaf 214, of the deed records of Essex County.

GLOUCESTER, WIGWAM POINT.

This reservation contains 6.50 acres, and is situated on Wigwam Point, in the town of Gloucester, in Essex County. The title is as follows:

Deed from William Griffin and wife to the United States, dated October 27, 1800, conveying the above tract. Deed recorded in Book 167, Leaf 95, of the deed records of Essex County.

GROVERS CLIFF. GUN AND MORTAR BATTERIES.

This reservation contains an aggregate of 50.30 acres and is situated in the Town of Winthrop, adjoining Boston, in Suffolk County. It is divided into two parts, called the "Gun Battery" and the "Mortar Battery." The title is as follows:

To the part known as the "Gun Battery:"

1. Quit-Claim Deed from William B. Rice et al., trustees, etc., to the United States, dated December 25, 1890, conveying Lots 9 and 10 in Block 3, containing 10,301 square feet of land; also Lot 12 in Block 3, containing 5,187 square feet of land. Deed recorded in libro 2001, page 178, of the deed records of Suffolk County.

2. Quit-Claim Deed from William B. Rice to the United States, dated December 26, 1890, conveying Lot No. 3 in Block 2, containing 11,880 square feet of land together with the flats and riparian rights appurtenant. Deed recorded in libro 2001, page 202, of the deed records of Suffolk County.

3. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying Lots 1, 2, 3, 14, and 15 in Block 3, containing 33,685 square feet of land; also Lots 4 and 5 in Block 3, containing 11,073 square feet of land. Deed recorded in libro 2001, page 180, of the deed records of Suffolk County.

4. Quit-Claim Deed from William B. Rice et al, Trustees, etc., to the United States, dated December 27, 1890, conveying Lot 2 in Block 2, containing 11,750 square feet of land; also Lot 4 in Block 2, containing 12,230 square feet of land. Deed recorded in libro 2001, page 181. of the deed records of Suffolk County.

5. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying Lots 1, 22, and 21 in Block 4, containing 18,406 square feet of land; also Lot 3 in Block No. 4, containing 4,807 square feet of land; also Lot 5 in Block 4. containing

4,807 square feet of land. Deed recorded in libro 2001, page 183, of the deed records of Suffolk County.

6. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying Lots 7, 8, 9, 10, and 11 in Block 4, containing 26,051 square feet of land; also Lots 12, 13, 14, 15, 16, 17, 18, 19, and 20 in Block 4, containing 46,855 square feet of land. Deed recorded in libro 2001, page 185, of the deed records of Suffolk County.

7. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying Lot 21 in Block 1, containing 14,520 square feet of land. Deed recorded in libro 2001, page 186, of the deed records of Suffolk County.

8. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying Lots 8 and 9 in Block 5, containing 14,442 square feet of land. Deed recorded in libro 2001, page 188, of the deed records of Suffolk County.

9. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying Lots 4 and 5 in Block 5, containing 13,860 square feet of land. Deed recorded in libro 2001, page 189, of the deed records of Suffolk County.

10. Quit-Claim Deed from Lucy A. Woods and husband to the United States, dated December 27, 1890, conveying Lot 10 in Block 5, containing 7,700 square feet of land and all the beach, flats, and riparian rights thereto belonging. Deed recorded in libro 2001, page 195, of the deed records of Suffolk County.

11. Quit-Claim Deed from Julia B. Robbins and husband to the United States, dated December 27, 1890, conveying Lot 7 in Block 5, containing 7,200 square feet of land, with the beach, flats, and riparian rights, etc. Deed recorded in libro 2001, page 199, of the deed records of Suffolk County.

12. Quit-Claim Deed from George A. Bruce and wife to the United States, dated December 27, 1890, conveying Lot 1 in Block 2, containing 14,130 square feet of land, with the beach, flats, and riparian rights, etc. Deed recorded in libro 2001, page 200, of the deed records of Suffolk County.

13. Deed from Francis E. Galloupe and wife to the United States, dated December 27, 1890, conveying Lots 6 and 7 in Block 2, containing 34,534 square feet of land, with the beach, flats, riparian rights, and dwelling. Deed recorded in libro 2001, page 343, of the deed records of Suffolk County.

14. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying Lots 1, 3, 5, 6, 7, 8, 11, and 13 in Block 3, containing 238,200 square feet of land. Deed recorded in libro 2001, page 203, of the deed records of Suffolk County.

15. Quit-Claim Deed from Amos H. Miller and wife to the United States, dated December 29, 1890, conveying Lot 5 in Block 2, containing 12,900 square feet of land, with beach, flats, and riparian rights (see restrictions). Deed recorded in libro 2001, page 196, of the deed records of Suffolk County.

16. Quit-Claim Deed from Arthur D. McClellan and wife to the United States, dated December 30, 1890, conveying Lot 11 in Block 5, containing 8,030 square feet of land; also Lot 11 in Block 3, containing 5,187 square feet of land. Deed recorded in libro 2001, page 198, of the deed records of Suffolk County.

17. Quit-Claim Deed from William O. Hunt to the United States, dated December 31, 1890, conveying Lot 7 in Block 3, containing 5,650 square feet of land. Deed recorded in libro 2001, page 193, of the deed records of Suffolk County.

18. Quit-Claim Deed from Edward R. Howe and wife to the United States, dated January 2, 1891, conveying Lot No. 6 in Block 3, containing 5,561 square feet of land. Deed recorded in libro 2001, page 194, of the deed records of Suffolk County.

19. Deed from Charles Davis, Jr., et al., Trustees, etc., to the United States, dated January 5, 1891, conveying a Lot at the easterly end of Grovers Cliff, containing 238,200 square feet of land, with the flats, riparian rights, etc. Deed recorded in libro 2001, page 340, of the deed records of Suffolk County.

20. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated April 17, 1891, conveying lands in rear of lots 4 and 5 in Block 5 and lands in rear of Lots 7, 8, 9, 10, and 11 in Block 5, by metes and bounds (shore line). Deed recorded in libro 2001, page 190, of the deed records of Suffolk County.

21. Deed from Nellie A. Hutchins, Guardian, etc., to the United States, dated October 23, 1891, conveying Lots 2 and 4 in Block 4 and Lot 8 in Block 3, containing 15,075 square feet of land. Deed recorded in libro 2073, page 356, of the deed records of Suffolk County.

22. Quit-Claim Deed from William B. Rice to the United States, dated May 5, 1893, conveying Lot 13 in Block 3, containing 5,187 square feet; Lot 6 in Block 4, containing 4,807 square feet; Lot 6 in Block 5, containing 6,600 square feet; aggregating 16,594 square feet of land by metes and bounds; also the land between Lot 6 in Block 5 and mean high water. Deed recorded in libro 2146, page 151, of the deed records of Suffolk County.

23. Quit-Claim Deed from Michael Roughan to the United States, dated June 2, 1893, conveying Lots 8 and 9 in Block 2, containing 37,920 square feet of land, with the flats within side lines of lots, and all riparian rights, etc. Deed recorded in libro 2147, page 97, of the deed records of Suffolk County.

24. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated August 1, 1893, releasing all restrictions on lots 8 and 9 in Block 2, heretofore conveyed to the United States by Michael Roughan (No. 55 herein). Deed recorded in libro 2147, page 88, of the deed records of Suffolk County.

25. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated February 9, 1894, conveying all right, title, and interest of, in, and to the property, and also easements in streets and alleys included in Plan 3051 on file in the office of the Secretary of the Commonwealth, being the plan of land purchased or to be purchased for the purposes of National Defenses at Winthrop. Deed recorded in libro 2184, page 270, of the deed records of Suffolk County.

26. Decree of condemnation for Lots 8 and 9 in Block 2, containing 37,920 square feet; Lot 13 in Block 3, containing 5,187 square feet; Lot 6 in Block 4, containing 4,807 square feet; Lot 6 in Block 5, containing 6,600 square feet; a tract, including a portion of Cherry Street, containing 25,422 square feet; a tract, including a portion of Elm Avenue, containing 25,420 square feet, and a tract, supposed to belong to Almira Tewksbury, containing 75,886 square feet, the whole aggregating 181,242 square feet of land in case of The United States *v.* Certain land in the Town of Winthrop, in the United States District

Court for the District of Massachusetts. Decree rendered at the September Term, 1892, and filed with the record in the Clerk's Office of said court. Petition, etc., filed and recorded also in the office of the Register of Deeds for Suffolk County in Libro 2100, page 345.

To the part known as the "Mortar Battery:"

1. Quit-Claim Deed from William B. Rice et al., Trustees, etc., to the United States, dated December 27, 1890, conveying part of Block "Y," containing 143,455 square feet of land. Deed recorded in libro 2001, page 177, of the deed records of Suffolk County.

2. Deed from Elizabeth L. McCloud and husband to the United States, dated December 29, 1890, conveying 106,027½ square feet of land described by metes and bounds. Deed recorded in libro 2000, page 635, of the deed records of Suffolk County.

3. Deed from Elizabeth L. McCloud and husband to the United States, dated December 29, 1890, conveying 43,744 square feet of land by metes and bounds. Deed recorded in libro 2000, page 636, of the deed records of Suffolk County.

4. Quit-Claim Deed from Lucretia Floyd et al. to the United States, dated January 1, 1891, conveying 144,824 square feet of land described by metes and bounds; also all title, etc., in a private way called "Elm Avenue," less 7,500 square feet heretofore conveyed away, making in this conveyance 137,324 square feet and right of way. Deed recorded in libro 2000, page 619, of the deed records of Suffolk County.

5. Deed from Phillips P. Floyd and wife to the United States, dated January 1, 1891, conveying 181,540 square feet of land by metes and bounds. Deed recorded in libro 2000, page 621, of the deed records of Suffolk County.

6. Deed from Sumner Floyd and wife to the United States, dated January 1, 1891, conveying 12,000 square feet of land by metes and bounds. Deed recorded in libro 2,000, page 623, of the deed records of Suffolk County.

7. Deed from Henry E. Mills to the United States, dated January 1, 1891, conveying two tracts containing 18,515 square feet of land described by metes and bounds. Deed recorded in libro 2000, page 637, of the deed records of Suffolk County.

8. Quit-Claim Deed from Samuel G. Irwin and wife to the United States, dated January 3, 1891, conveying three-fourths of Lot No. 4, containing 90,926 square feet of land. Deed recorded in libro 2000, page 632, of the deed records of Suffolk County.

9. Deed from Louisa E. McArthur and husband to the United States, dated January 10, 1891, conveying a part of Lot D, containing 4,037½ square feet of land. Deed recorded in libro 2002, page 554, of the deed records of Suffolk County.

10. Quit-Claim Deed from John L. Tewksbury and wife to the United States, dated January 10, 1891, conveying Lots 13 and 24 and 20 feet of Lot 14, aggregating 9,593 square feet of land. Deed recorded in libro 2001, page 2, of the deed records of Suffolk County.

11. Quit-Claim Deed from William B. Floyd and wife to the United States, dated January 12, 1891, conveying two parcels of land aggregating 75,327 square feet of land described by metes and bounds. Deed recorded in libro 2000, page 627, of the deed records of Suffolk County.

12. Quit-Claim Deed from William B. Floyd et al. to the United States, dated January 12, 1891, conveying 18,100 square feet of land by metes and bounds. Deed recorded in libro 2000, page 625, of the deed records of Suffolk County.

13. Quit-Claim Deed from Perez M. Hayden and wife to the United States, dated January 12, 1891, conveying parts of Lots 14 and 15, containing 3,996 square feet of land and described by metes and bounds. Deed recorded in libro 2000, page 631, of the deed records of Suffolk County.

14. Quit-Claim Deed from Lorenzo C. Tewksbury and wife to the United States, dated January 12, 1891, conveying 20,217 square feet of land by metes and bounds. Deed recorded in libro 2001, page 4, of the deed records of Suffolk County.

15. Quit-Claim Deed from William Y. Grant and wife to the United States, dated January 13, 1891, conveying Lot 23, containing 4,505 square feet of land. Deed recorded in libro 2000, page 630, of the deed records of Suffolk County.

16. Quit-Claim Deed from The Boston, Winthrop and Shore Railroad Company to the United States, dated January 16, 1891, conveying 3,742 square feet of land by metes and bounds. Deed recorded in libro 2073, page 362, of the deed records of Suffolk County.

17. Quit-Claim Deed from Benjamin D. Chapman and wife to the United States, dated January 22, 1891, conveying 13,095 square feet of land by metes and bounds. Deed recorded in libro 2073, page 359, of the deed records of Suffolk County.

18. Quit-Claim Deed from William R. Conner and wife to the United States, dated March 21, 1891, conveying 3,025 square feet of land and all interest in Elm Avenue, and a strip containing 275 square feet of land, all described by metes and bounds. Deed recorded in libro 2000, page 617, of the deed records of Suffolk County.

19. Deed from David H. Blaney to the United States, dated March 24, 1891, conveying 192,031$\frac{1}{9}$ square feet, in two tracts, by metes and bounds; also right of way from Beach Street, 25 feet in width; in all, 193,937 square feet of land. Deed recorded in libro 2000, page 614, of the deed records of Suffolk County.

20. Deed from David H. Blaney to the United States, dated March 24, 1891, conveying 66,574 square feet of upland and 9,990 square feet of marsh; total, 76,564 square feet, described by metes and bounds. Deed recorded in libro 2000, page 616, of the deed records of Suffolk County.

21. Quit-Claim Deed from George C. Stanley and wife to the United States, dated March 26, 1891, conveying 4,475 square feet of land; all interest, etc., in Elm Avenue and a strip adjoining said Avenue containing 651,455 square feet, all described by metes and bounds. Deed recorded in libro 2001, page 1, of the deed records of Suffolk County.

22. Deed from Ella F. Wendall and husband to the United States, dated March 27, 1891, conveying 16,493 square feet of land by metes and bounds. Deed recorded in libro 2001, page 5, of the deed records of Suffolk County.

23. Quit-Claim Deed from Thomas Floyd and wife to the United States, dated March 27, 1891, conveying 82,718 square feet of land, in two tracts, by metes and bounds. Deed recorded in libro 2000, page 628, of the deed records of Suffolk County.

24. Deed from Harry England and wife to the United States, dated March 30, 1891, conveying 14,845 square feet of land by metes and bounds. Deed recorded in Libro 2001, page 298, of the deed records of Suffolk County.

25. Quit-Claim Deed from John Macdonald and wife to the United States, dated April 9, 1891, conveying 14,800 square feet of land by

metes and bounds, with right of way, etc. Deed recorded in libro 2000, page 634, of the deed records of Suffolk County.

26. Quit-Claim Deed from William B. Floyd and wife to the United States, dated April 10, 1891, conveying 24,055 square feet of land by metes and bounds. Deed recorded in Libro 2000, page 626, of the deed records of Suffolk County.

27. Quit-Claim Deed from James McLauchlin and wife to the United States, dated October 26, 1891, conveying 4,717 square feet of land by metes and bounds. Deed recorded in libro 2073, page 355, of the deed records of Suffolk County.

28. Quit-Claim Deed from Hamilton R. Douglass and wife to the United States, dated October 26, 1891, conveying 4,611 square feet of land by metes and bounds. Deed recorded in libro 2073, page 354, of the deed records of Suffolk County.

29. Quit-Claim Deed from Lucretia Floyd et al. to the United States, dated November 24, 1891, conveying "Elm Avenue." Deed recorded in libro 2152, page 281, of the deed records of Suffolk County.

30. Quit-Claim Deed from David H. Blaney to the United States, dated December 8, 1891, conveying 25,422 square feet of land by metes and bounds. Deed recorded in libro 2073, page 360, of the deed records of Suffolk County.

31. Quit-Claim Deed from Thomas Floyd and wife to the United States, dated January 26, 1892, conveying 7,100 square feet of land. Deed recorded in libro 2073, page 358, of the deed records of Suffolk County.

32. Quit-Claim Deed from Lorenzo C. Tewksbury and wife to the United States, dated May 23, 1893, conveying Lots E and F, of the Estate of Thomas Floyd, containing 75,886 square feet of land by metes and bounds. Deed recorded in libro 2146, page 153, of the deed records of Suffolk County.

33. Quit-Claim Deed from William B. Floyd and wife to the United States, dated May 23, 1893, conveying Elm Avenue on certain conditions, etc. Deed recorded in libro 2152, page 283, of the deed records of Suffolk County.

34. Quit-Claim Deed from Hermon B. Tewksbury and wife to the United States, dated July 21, 1893, conveying all interest in Cherry Street, etc. Deed recorded in libro 2152, page 284, of the deed records of Suffolk County.

35. Quit-Claim Deed from Phillips P. Floyd and wife to the United States, dated January 19, 1894, conveying all title and interest in Grover's Cliff and particularly Elm Avenue. Deed recorded in libro 2180, page 527, of the deed records of Suffolk County.

36. Decree of Condemnation for two tracts including portions of Cherry Street and Elm Avenue, for which see No. 26 under head of "Gun Battery," supra.

The foregoing lands were acquired pursuant to the Acts of Congress approved August 1, 1888, and August 18, 1890.

Jurisdiction was ceded to the United States by an act of the General Court of the Commonwealth of Massachusetts, approved March 16, 1891, which provides as follows:

"SECTION 1. The consent of this Commonwealth is hereby granted to the United States of America to purchase two tracts of land in the town of Winthrop, as will be described in the plans provided for in section three of this act with the buildings thereon purchased or to be purchased by the United States, for the purposes of national defence.

"SEC. 2. Jurisdiction over the said tracts is hereby granted and ceded

to the United States; *provided, always*, and the session and consent aforesaid are granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the said tracts of land aforesaid, so far as that all civil processes and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said tracts of land may be executed therein in the same way and manner as though this consent and cession had not been made and granted.

"SEC. 3. This act shall be void unless suitable plans of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the Secretary of this Commonwealth within one year from the passage of this act."

(Plan filed in the office of the Secretary of the Commonwealth of Massachusetts February 18, 1892, by S. M. Mansfield, Lieutenant-Colonel, Engineers, United States Army.)

FORT INDEPENDENCE, CASTLE ISLAND.

This reservation, which includes the whole island, contains an area of about 12 acres, from measurements taken at high water, is situated in Boston Harbor about 2½ miles from India Wharf, 200 yards from City Point, and about 1,160 yards from Governor's Island, from which it is separated by the main channel. The title is as follows:

Ceded to the United States, together with jurisdiction, by an Act of the General Court of Massachusetts, approved June 25, 1798, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That an Island in the harbor of Boston, called Castle Island, be, and hereby is granted, and ceded to the United States, for the purpose of erecting forts, magazines, arsenals, dock yards, and other needful buildings thereon, for the defence of the United States; * * *

"SEC. 2. *Be it further enacted*, That the consent of this Commonwealth, be, and hereby is granted to the United States, to purchase an Island in the harbor of Boston, called Governor's Island, and also a tract of land, not exceeding six hundred and forty acres, situated in the town of Springfield, in the county of Hampshire, for the sole purpose of erecting forts, magazines, arsenals, dock yards, and other needful buildings; the evidence of the purchases aforesaid, to be entered and recorded in the Registry of Deeds in the counties where the same lands are respectively situated. *Provided, always*, and the cession and consent aforesaid are granted upon the express condition, That this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the islands and tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said islands and tract of land may be executed therein, in the same way and manner as though this cession and consent had not been made and granted."

(See also Fort Warren.)

FORT LEE.

This reservation contains an area of 2.3 acres and is situated on Salem Neck, in Salem, Essex County. The title is as follows: Deed from the City of Salem to the United States, dated July 31, 1867, conveying the site of old Fort Lee. Deed recorded in Book 730, Leaf 10, of the deed records of Essex County.

LONG POINT (PROVINCETOWN).

Area indefinite. The reservation is situated in Provincetown Harbor, in Barnstable County. Title and jurisdiction ceded by an act of the General Court of the Commonwealth, approved March 5, 1864, as follows:

"SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America, and all right of this Commonwealth to the soil thereof, over all that portion of Long Point in Provincetown Harbor extending from the extremity occupied by the Light-house, to a line drawn true west through the northern point of House Point Island, including also that island and all the flats adjacent to the premises conveyed (and all the flats adjacent to any land now owned by the United States on said point) and also over such other lands belonging to said Commonwealth in said Provincetown as the United States may take and occupy for the erection of fortifications: *Provided*, That a plan thereof shall be filed in the office of the Secretary of this Commonwealth within two years from the passage of this act. Jurisdiction is also ceded to said United States of America over all other lands in said Provincetown to which the United States may acquire title for the purposes aforesaid: *Provided*, That a plan of said premises shall be filed with the Secretary of this Commonwealth within one year after such title of the United States is acquired, and consent is hereby given to the acquisition of such title: *Provided, always*, That this Commonwealth shall retain concurrent jurisdiction with the United States in and over all the lands aforesaid, so far that all civil processes and all criminal processes issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid."

LONG ISLAND (EAST HEAD OF).

This reservation contains an area of about 34 acres, of which 24 acres are upland and about 10 acres marsh. It is situated in Boston Harbor, and was acquired under an act of Congress entitled "An Act to authorize the entry and occupation of a portion of Long Island in Boston Harbor for military purposes," approved March 28, 1867. The title is as follows:

1. Decree of condemnation for 24 acres in case of The United States *v.* James T. Austin and Loring H. Austin, in the Superior Court of the County of Suffolk, Commonwealth of Massachusetts. Decree rendered May 27, 1869, and filed, with the record in said cause, in the office of the clerk of said court.

2. Decree of condemnation for 10 acres and shore line, in case of The United States *v.* Peter Dunbar and Thomas J. Dunbar, in the Superior Court of the County of Suffolk, Commonwealth of Massachusetts. Decree rendered January 18, 1870, and filed, with the record in said case, in the office of the clerk of said court. Consent to the purchase or condemnation and jurisdiction ceded by the following acts of the General Court, etc., approved June 4, 1868, which provide as follows:

"SECTION 1. The consent of the Commonwealth is hereby granted to the United States to purchase a tract of low land situated on Long Island in Boston Harbor, said low land being a narrow isthmus connecting the East Head of Long Island with the main or central portion

of said Island; said isthmus belonging to T. J. Dunbar and Peter Dunbar, Trustees, comprising by estimation about ten acres, for the erection of military works for the defense of said harbor, for the erection of a sea wall as a part of the system for the improvement of said harbor for commercial purposes and for the purpose of providing a landing place for convenience in reaching the said East Head of Long Island; and the consent of this Commonwealth is also hereby given to said United States to purchase, occupy and fill the flats appurtenant to said isthmus for the aforesaid objects, and to the extent of four hundred yards from low-water mark; *provided, always*, and the consent aforesaid is granted upon the express condition and reservation that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the tract of low land, to wit, the said isthmus, and the flats aforesaid, for the service of all civil process and such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes or offences against the laws of this Commonwealth, committed without the said tract of low land, to wit, the said isthmus and flats, and that said civil and criminal processes may be executed thereon in the same way and manner, and with the same effect, as if the consent aforesaid had not been granted."

(Section 2 provides for condemnation in case of a failure of agreement of sale and purchase. Act approved June 4, 1848, Chapter 292.)

"SECTION 1. The consent of this Commonwealth is hereby granted to the United States to purchase a tract of upland situated on Long Island in Boston Harbor, and known as the East Head of Long Island, belonging to James T. Austin and Loring H. Austin, comprising, by estimation, about twenty-four acres, for the erection of military works for the defense of said harbor, and for the erection of a sea wall as a part of the system for the improvement of said harbor for commercial purposes, and to purchase, occupy and fill the flats appurtenant to said tract for the aforesaid objects, and to the extent of four hundred yards from low-water mark; *provided, always*, and the consent aforesaid is granted upon the express condition and reservation that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the tract of upland and the flats aforesaid, for the service of all civil process and of such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes or offences against the laws of this Commonwealth, committed without the said tract of uplands and flats, and that said civil and criminal processes may be executed thereon in the same way and manner and with the same effect as if the consent aforesaid had not been granted."

Section 2 provides for condemnation in case of failure of agreement of sale and purchase. (Act approved June 4, 1868, Chapter 293.)

LOVELL'S ISLAND.

(See Fort Warren for title and jurisdiction.)

FORT PHŒNIX.

This reservation contains an area of 2⅛ acres of land, and is situated upon the left bank of the entrance to New Bedford Harbor in Bristol County. The title is as follows:

Deed from Killey Eldridge to the United States, dated September 28, 1808, conveying 2⅛ acres with driftway privilege. Deed recorded in S. general, page 274, etc., of the deed records of Bristol County.

FORT PICKERING (WINTER ISLAND).

This reservation contains an area of 2 acres and 1 rood, also a portion of Winter Island, and is situated at Salem on Hospital Point and in the harbor, in Essex County. The title is as follows:

1. Deed from the Inhabitants of Salem to the United States, dated September 1, 1794, conveying 2 acres and 1 rood with right of way. Deed recorded in Book 158, Leaf 190, of the deed records of Essex County.

2. Deed from the City of Salem to the United States, dated June 24, 1865, conveying a portion of Winter Island. Deed recorded in Book 678, Leaf 291, of the deed records of Essex County.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved March 28, 1865, which provides as follows:

"SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America, over all that portion of Winter Island in Salem Harbor, lying above low-water mark, which may at any time have been acquired by the United States by deed from the municipal authorities of Salem for military purposes, including the present Fort Pickering and buildings connected therewith: *provided*, that a general plan of said premises shall be filed with the secretary of this Commonwealth within one year after the passage of this act; and *provided also*, that this Commonwealth shall retain concurrent jurisdiction with the United States, in and over all the lands aforesaid, so far that all civil and criminal processes issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid."

PITTSFIELD (LAND AT).

This reservation contains an area of 21 acres and 90 square rods, and is situated in the Town of Pittsfield in Berkshire County. The title is as follows:

1. Deed from William Allen to the United States, dated May 23, 1812, conveying 1 acre and buildings. Deed recorded in Book No. 50, page 185, of the deed records of Berkshire County.

2. Deed from William Allen, Executor, etc., to the United States, dated October 26, 1814, conveying 13 acres. Deed recorded in Book No. 55, page 128, of the deed records of Berkshire County.

3. Deed from William Allen, Executor, etc., to the United States, dated October 26, 1814, conveying 7 acres and 90 square rods. Deed recorded in Book No. 55, page 170, of the deed records of Berkshire County.

SALEM (LOT IN).

This property contains an area of about 16,400 square feet of land and is situated in Salem in Essex County. The title is as follows: Deed from John Crowningshield et al., to the United States, dated June 23, 1818, conveying the above tract. Deed recorded in Book 216, Leaf 198, of the deed records of Essex County.

SALEM GUN HOUSE.

This property contains an area of 1,600 square feet and is situated in Salem in Essex County. The title is as follows: Deed from the Inhab-

itants of Salem to the United States, dated December 20, 1808, conveying the above tract. Deed recorded in Book 187, Leaf 215, of the deed records of Essex County.

SALISBURY BEACH.

This reservation contains about 2 acres and is situated at the Town of Salisbury in Essex County. The title is as follows:

1. Deed from The Commoners of Salisbury to the United States, dated August 9, 1808, conveying 1 acre of beach or upland and all the rocks and flats included within described bounds. Deed recorded in Book 185, Leaf 210, of the deed records of Essex County.

2. Deed from the Commoners of Salisbury to the United States, dated June 4, 1835, conveying 1 acre including all of Badger's Rocks. Deed recorded in Book 285, Leaf 51, of the deed records of Essex County.

FORT SEWELL.

This reservation occupies the site of an old earthwork and is situated at the west entrance to Marblehead Harbor. The land was acquired by virtue of an act of Congress approved March 30, 1794. The title is as follows:

1. Deed from Russell Trevett to the United States, dated August 30, 1794, conveying a tract of land as a part of Gale's Head, excepting the ground whereon the fort was anciently built, with right of way, etc. Deed recorded in Book 158, Leaf 197, of the deed records of Essex County.

2. Deed from the Inhabitants of the Town of Marblehead to the United States, dated August 30, 1794, conveying part of Gale's Head anciently reserved to said Inhabitants and hitherto occupied as a Fort with right of way, etc. Deed recorded in Book 158, Leaf 197, of the deed records of Essex County.

SPRINGFIELD ARMORY.

This reservation is situated at Springfield in Hampden County. The title is as follows:

1. Deed from Nathaniel Patton and wife to the United States, dated June 22, 1795, conveying 1 acre and 2 roods of land with privilege of erecting a dam, etc. Deed recorded in office of the Registry of Deeds for Hampshire County, June 23, 1795.

2. Deed from John Ashley and wife to the United States, dated September 19, 1798, conveying 1 acre and 136 rods of land with the privilege of erecting a dam, etc. Deed recorded in office of Registry of Deeds for Hampshire County, September 19, 1798.

3. Deed from the Inhabitants of the Town of Springfield to the United States, dated August 24, 1801, conveying 30 acres 2 roods and 14 rods. Deed recorded in Liber 40, folio 216, of the deed records of Hampshire County.

4. Deed from Jonathan Dwight et al. to the United States, dated October 16, 1807, conveying 139 perches of land. Deed record in Liber 47, folio 546, of the deed records of Hampshire County.

5. Deed from James Byers to the United States, dated January 9, 1809, conveying lot in Springfield; area not given. Deed recorded in Liber 47, folio 618, of the deed records of Hampshire County.

6. Deed from John Ashley to the United States, dated January 10, 1809, conveying 117 rods of land. Deed recorded in Liber 49, pages 72, etc., of the deed records of Hampshire County.

7. Deed from Gerald Warner to the United States, dated March 2, 1809, conveying 7 acres and 95 rods. Deed recorded in Liber 50, folio 156, of the deed records of Hampshire County.

8. Deed from the Town of Springfield to the United States, dated September 2, 1808, conveying 127 rods of land. Deed recorded in Liber 49, folio 310, of the deed records of Hampshire County.

9. Deed from Daniel Ashley and wife to the United States, dated April 17, 1809, conveying 15 acres. Deed recorded in Liber 50, folio 297, of the deed records of Hampshire County.

10. Deed from Jonathan Dwight, jr., to the United States, dated June 10, 1809, conveying 5 acres. Deed recorded in Liber 50, folio 380, of the deed records of Hampshire County.

11. Deed from Jacob Bliss to the United States, dated December 13, 1809, conveying 60 rods of land. Deed recorded in Liber 47, folio 686, of the deed records of Hampshire County.

12. Deed from William Carlisle to the United States, dated January 26, 1811, conveying 6 acres and 79 rods of land. Deed recorded in Liber 51, folio 595, of the deed records of Hampshire County.

13. Deed from Trustees of the School Funds in Town of Springfield to the United States, dated May 9, 1812, conveying 16 acres 2 roods and 30 rods of land. Deed recorded in Liber 49, folio 640, etc., of the deed records of Hampshire County.

14. Deed from James Byers and wife to the United States, dated May 13, 1812, conveying 72 rods of land. Deed recorded in Liber 53, folio 619, of the deed records of Hampshire County.

15. Deed from James Carew and wife to the United States, dated May 13, 1812, conveying a lot in Springfield. Deed recorded in Liber 53, folio 617, of the deed records of Hampshire County.

16. Deed from Calvin Barret and wife to the United States, dated May 13, 1812, conveying a lot in Springfield. Deed recorded in Liber 53, folio 618, of the deed records of Hampshire County.

17. Deed from Obed Wright and wife to the United States, dated May 14, 1812, conveying 17 rods of land. Deed recorded in Liber 53, folio 620, of the deed records of Hampshire County.

18. Deed from Josiah Comstock and wife to the United States, dated May 16, 1812, conveying 36 rods, etc., of land. Deed recorded in Liber 53, folio 621, of the deed records of Hampshire County.

19. Deed from William Wood, Jr., and wife to the United States, dated May 26, 1812, conveying a lot in Springfield. Deed recorded in Liber 53, folio 622, of the deed records of Hampshire County.

20. Deed from Er Cooley and wife to the United States, dated May 28, 1812, conveying a lot in Springfield. Deed recorded in Liber 53, folio 623, of the deed records of Hampshire County.

21. Deed from Lemuel Wheeler to the United States, dated June 4, 1812, conveying 0.50 acre. Deed recorded in Liber 53, folio 642, of the deed records of Hampshire County.

22. Deed from George Blake and wife to the United States, dated June 5, 1817, conveying 8 acres and 3 roods. Deed recorded in Liber 62, folio 252, of the deed records of Hampshire County.

23. Deed from the Trustees of the School Funds, etc., to the United States, dated September 30, 1817, conveying two tracts in Springfield. Deed recorded in Liber 61, folio 210, of the deed records of Hampshire County.

24. Deed from John Ashley to the United States, dated May 27, 1819, conveying 80 square rods and bed of river. Deed recorded in Liber 64, folio 311, of the deed records of Hampshire County.

25. Deed from Samuel Warner and wife et al. to the United States, dated August 8, 1822, conveying 5 acres and 95 rods. Deed recorded in the office of the Registry of Deeds in Hampden County, September 21, 1822.

26. Deed from William Carlisle to the United States, dated June 24, 1824, conveying 2 acres 1 rood and 87 rods. Deed recorded in Liber 71, folio 549, of the deed records of Hampden County.

27. Deed from Thaddeus Ferro to the United States, dated June 24, 1824, containing 2 acres and 69 rods of land. Deed recorded in Liber 71, folio 548, of the deed records of Hampden County.

28. Deed from Lemuel Charter to the United States, dated April 21, 1825, conveying 2 acres and 92 rods. Deed recorded in Liber 74, folio 633, of the deed records of Hampden County.

29. Deed from Solomon Hatch to the United States, dated September 14, 1825, conveying 40 rods of land and right of way, etc. Deed recorded in Liber 75, folio 186, of the deed records of Hampden County.

30. Deed from Abiram Morgan to the United States, dated December 20, 1827, conveying a spring of water, etc. Deed recorded in Liber 77, folio 724, of the deed records of Hampden County.

31. Deed from Jonathan Dwight, Jr., and wife to the United States, dated July 3, 1830, conveying 5 50 acres. Deed recorded in liber 82, folio 179, of the deed records of Hampden County.

32. Deed from Homer J. Wood and wife to the United States, dated February 22, 1845, conveying a lot in Springfield. Deed recorded in Liber 128, folio 74, of the deed records of Hampden County.

33. Deed from Walter H. Bowdoin and wife to the United States, dated May 24, 1845, conveying a lot in Springfield. Deed recorded in Liber 127, folio 311, of the deed records of Hampden County.

34. Deed from Samuel Currier and wife to the United States, dated May 26, 1845, conveying 28 rods of land, with reservations, etc. Deed recorded in Liber 128, folio 177, of the deed records of Hampden County.

35. Deed from George Bliss and wife to the United States, dated May 26, 1845, conveying a lot in Springfield. Deed recorded in Liber 128, folio 176, of the deed records of Hampden County.

36. Deed from Persis Taylor to the United States, dated May 31, 1845, conveying 6 rods of land. Deed recorded in Liber 129, folio 435, of the deed records of Hampden County.

37. Deed from Benedick Fenewick to the United States, dated October 15, 1845, conveying a lot in Springfield. Deed recorded in Liber 130, folio 447, of the deed records of Hampden County.

38. Deed from William Sheldon to the United States, dated October 23, 1845, conveying lots in Springfield. Deed recorded in Liber 131, folio 118, of the deed records of Hampden County.

39. Deed from James Brewer to the United States, dated July 15, 1845, conveying 12 acres and water privileges. Deed recorded in Liber 133, folio 126, of the deed records of Hampden County.

40. Deed from the Inhabitants of Springfield to the United States, dated October 12, 1846, conveying by way of exchange of certain lands by authority of an act of Congress approved March 3, 1846. Deed recorded in Liber 132, folio 336, of the deed records of Hampden County.

41. Deed from James M. Crook to the United States, dated October 2, 1846, conveying Lots 9 and 10; also a strip 3 feet wide adjoining the same; also a strip 3 feet wide on Sumner Street. Deed recorded in Liber 135, folio 410, of the deed records of Hampden County.

42. Deed from James M. Crook to the United States, dated October 2, 1846, conveying by release all interest in Sumner Street. Deed recorded in Liber 132, folio 336, of the deed records of Hampden County.

43. Deed from James Brewer to the United States, dated October 19, 1846, conveying by way of release all interest in certain roads. Deed recorded in Liber 133, folio 212, of the deed records of Hampden County.

44. Deed from James Brewer to the United States, dated October 19, 1846, conveying a lot in Springfield. Deed recorded in Liber 136, folio 150, of the deed records of Hampden County.

45. Deed from Samuel Dale and wife to the United States, dated November 16, 1846, conveying a lot in Springfield. Deed recorded in Liber 132, folio 426, of the deed records of Hampden County.

46. Deed from Walter H. Bowdoin and wife to the United States, dated November 30, 1846, conveying a lot in Springfield. Deed recorded in Liber 132, folio 425, of the deed records of Hampden County.

47. Deed from Walter H. Bowdoin and wife to the United States, dated December 18, 1847, conveying 120 square rods of land in Springfield. Deed recorded in Liber 139, folio 483, of the deed records of Hampden County.

48. Deed from Walter H. Bowdoin and wife to the United States, dated December 18, 1847, conveying Lots 6 and 7 of Cottage Homestead, in Springfield, etc. Deed recorded in Liber 140, folio 234, of the deed records of Hampden County.

49. Deed from Walter H. Bowdoin and wife et al. to the United States, dated December 18, 1847, conveying Lot 8 of Cottage Homestead, in Springfield. Deed recorded in Liber 140, folio 235, of the deed records of Hampden County.

50. Deed from George T. Bond to the United States, dated February 28, 1848, conveying 3 roods of land. Deed recorded in Liber 140, folio 219, of the deed records of Hampden County.

51. Deed from James Indicott and wife et al. to the United States, dated March 31, 1848, conveying Lot 5 in Cottage Homestead, addition to Springfield. Deed recorded in Liber 141, folio 220, of the deed records of Hampden County.

52. Deed from Walter H. Bowdoin and wife to the United States, dated September 30, 1848, conveying 2 roods of land. Deed recorded in Liber 145, folio 170, of the deed records of Hampden County.

53. Deed from Reuben A. Chapman and wife to the United States, dated September 22, 1848, conveying by release, etc., a lot in Springfield. Deed recorded in Liber 133, folio 215, of the deed records of Hampden County.

54. Deed from John Mills and wife to the United States, dated September 30, 1848, conveying by release, etc., a lot in Springfield. Deed recorded in Book 142, page 610, of the deed records of Hampden County.

55. Deed from Jacob Ladd and wife to the United States, dated January 13, 1849, conveying 10 acres 3 roods and 35½ rods of land. Deed recorded in Book 146, page 286, of the deed records of Hampden County.

56. Deed from Corbin O. Wood and wife et al. to the United States, dated February 1, 1849, conveying 18 acres 2 roods and 51¾ rods of land, etc. Deed recorded in Book 146, page 290, of the deed records of Hampden County.

57. Deed from Elisha Benton and wife to the United States, dated

February 1, 1849, conveying 7 acres and 4 rods of land, etc. Deed recorded in Book 146, page 285, of the deed records of Hampden County.

58. Deed from Luman Spencer and wife to the United States, dated February 1, 1849, conveying a tract of land in Springfield, etc. Deed recorded in Book 146, page 289, of the deed records of Hampden County.

59. Deed from Seth Thayer and wife to the United States, dated February 1, 1849, conveying a tract in Springfield. Deed recorded in Book 146, page 284, of the deed records of Hampden County.

60. Deed from Charles T. L. Warner and wife to the United States, dated February 10, 1849, conveying 3 acres 2 roods and 6 rods of land, etc. Deed recorded in Book 146, page 288, of the deed records of Hampden County.

61. Deed from James W. Crooks, Guardian, etc., to the United States, dated March 22, 1849, conveying 8 acres 3 roods and 87 rods of land, etc. Deed recorded in Book 146, page 313, etc., of the deed records of Hampden County.

62. Deed from Orrin C. Andrus to the United States, dated March 23, 1849, conveying 24 rods of land, etc. Deed recorded in Book 147, page 344, of the deed records of Hampden County.

63. Deed from Sophia Charter and husband to the United States, dated May 21, 1849, conveying 2 acres 1 rood and 33 rods of land, etc. Deed recorded in Liber 150, folio 462, of the deed records of Hampden County.

64. Deed from Roswell Shurtliff and wife to the United States, dated March 18, 1851, conveying a tract of land in Springfield, with roadway, etc. Deed recorded in Liber 159, folio 139, of the deed records of Hampden County.

65. Deed from the Trustees of the School Funds, etc., to the United States, dated August 30, 1851, conveying strip of land for a sidewalk. Deed recorded in Liber 166, folio 95, of the deed records of Hampden County.

66. Deed from Persis Taylor to the United States, dated June 1, 1852, conveying a tract of land in Springfield. Deed recorded in Liber 160, folio 300, of the deed records of Hampden County.

67. Deed from the Western Railroad Company to the United States, dated June 19, 1852, conveying certain water rights, easements, etc. Deed recorded in Liber 166, folio 96, of the deed records of Hampden County.

68. Deed from George Bliss and wife to the United States, dated July 8, 1856, conveying 4 acres and 22.92 rods of land upon condition, etc. Deed recorded in Book 183, page 372, of the deed records of Hampden County.

69. Deed from James T. Ames and wife to the United States, dated July 29, 1856, conveying a tract of land in Springfield. Deed recorded in Liber 182, folio 514, of the deed records of Hampden County.

70. Deed from Thomas Knox and wife to the United States, dated October 15, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 13, of the deed records of Hampden County.

71. Deed from Henry J. Fuller and wife to the United States, dated October 15, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 12, of the deed records of Hampden County.

72. Deed from John Ashley and wife to the United States, dated

October 17, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 114, of the deed records of Hampden County.

73. Deed from Hezekiah Burt and wife to the United States, dated October 19, 1857, conveying a tract of land to raise the height of dam, etc. Deed recorded in Book 193, page 115, of the deed records of Hampden County.

74. Deed from Harmony A. Fletcher to the United States, dated October 21, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 14, of the deed records of Hampden County.

75. Deed from R. S. Austin and wife to the United States, dated October 31, 1857, conveying certain tracts of land to raise height of dam, etc. Deed recorded in Book 193, page 8, of the deed records of Hampden County.

76. Deed from Samuel Walker and wife to the United States, dated October 31, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 16, of the deed records of Hampden County.

77. Deed from Philos B. Tyler and wife to the United States, dated November 2, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 10, of the deed records of Hampden County.

78. Deed from Charles G. Rice and wife to the United States, dated November 4, 1857, conveying the right to flow his land by raising dam 10 feet. Deed recorded in Book 193, page 14, of the deed records of Hampden County.

79. Deed from Jonathan Carlisle and wife to the United States, dated November 5, 1857, conveying tracts of land to raise height of dam, etc. Deed recorded in Book 193, page 59, of the deed records of Hampden County.

80. Deed from Samuel Aspinwall, Guardian, etc., to the United States, dated November 12, 1857, conveying tracts of land to raise height of dam, etc. Deed recorded in Book 193, page 57, of the deed records of Hampden County.

81. Deed from Elisha Benton et al. to the United States, dated December 2, 1857, conveying lands to raise height of dam, etc. Deed recorded in Book 193, page 112, of the deed records of Hampden County.

82. Deed from The City of Springfield to the United States, dated December 8, 1857, conveying all right in certain highways and release of damage by flowage, etc. Deed recorded in Book 193, page 111, of the deed records of Hampden County.

83. Deed from Seth Thayer and wife to the United States, dated December 10, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 116, of the deed records of Hampden County.

84. Deed from David F. Ashley and wife to the United States, dated December 15, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 132, of the deed records of Hampden County.

85. Deed from Daniel Gay and wife to the United States, dated December 24, 1857, conveying a tract of land to raise height of dam, etc. Deed recorded in Book 193, page 133, of the deed records of Hampden County.

86. Deed from Daniel Charter and wife to the United States, dated June 10, 1858, conveying a tract of land to raise height of dam, etc.

Deed recorded in Book 195, page 127, of the deed records of Hampden County.

87. Deed from Edward Ingersoll and wife to the United States, dated May 14, 1859, conveying 1 acre of land with privilege of erecting a Powder Magazine with right of way, etc. Deed recorded in Book 198, page 153, of the deed records of Hampden County.

88. Deed from John Ashley and wife to the United States, dated June 2, 1859, conveying 41.88 rods of land for a highway; also a right of way for a race way, etc. Deed recorded in Liber 199, folio 11, of the deed records of Hampden County.

89. Deed from Horace Kibbe and wife to the United States, dated September 3, 1860, conveying a tract of land in Springfield with conditions. Deed recorded in Book 205, page 480, of the deed records of Hampden County.

90. Deed from R. E. Ladd et al. to the United States, dated July 16, 1863, conveying a right of way and privilege of laying conduits, etc. Deed recorded in Book 221, page 212, of the deed records of Hampden County.

91. Lease for ninety-nine years, etc., from Henry S. Fuller to the United States, dated December 13, 1864, leasing a certain described tract of land in Springfield. Lease recorded in Book 230, page 369, of the deed records of Hampden County.

92. Deed from James T. Ames and wife to the United States, dated February 9, 1867, conveying a tract of land in Springfield. Deed recorded in Book 245, page 436, of the deed records of Hampden County.

93. Deed from James T. Ames and wife to the United States, dated December 3, 1868, conveying a tract of land in Springfield. Deed recorded in Book 259, page 448, of the deed records of Hampden County.

94. Deed from R. E. Ladd and wife to the United States, dated December 17, 1868, conveying a tract of land in Springfield. Deed recorded in Book 259, page 511, of the deed records of Hampden County.

95. Deed from Edward P. Chapin and wife to the United States, dated January 28, 1869, conveying a tract of land in Springfield. Deed recorded in Book 259, page 147, of the deed records of Hampden County.

96. Deed from Charles Phelps and wife to the United States, dated August 2, 1870, conveying 3 acres of land and release of other interests. Deed recorded in Book 274, page 533, of the deed records of Hampden County.

For jurisdiction see Fort Independence. See Appendix, pages 291, 292.

FORT STANDISH.

This reservation contains an area of 6.9 acres, and is situated on Saguish Head at the Northern entrance to Plymouth Harbor, 4 miles by water from the City of Plymouth, in Plymouth County. The title is as follows: Deed from Samuel Burgess et al. to the United States, dated June 10, 1870, conveying the tract embraced in reservation. Deed recorded in Book 366, page 79, of the Registry of Deeds of Plymouth County. The above purchase made by virtue of an act of Congress approved March 2, 1867.

For jurisdiction see Fort Andrew.

FORT WARREN.

This reservation contains an area of about 28 acres and includes the whole of Georges Island, in Suffolk County. It is situated near the

outlet entrance to Boston Harbor, and is about 7⅛ miles from the City of Boston by the main ship channel. The title is as follows:

Deed from the City of Boston to the United States, dated June 23, 1825, conveying George's and Lovell's Islands. Deed in Liber 301, folio 9, of the deed records of Suffolk County.

Jurisdiction was ceded to the United States by an act of the State Legislature, passed February 7, 1846, which provides as follows:

"SECTION 1. Jurisdiction is hereby granted and ceded to the United States over two islands in Boston harbor, known as George's Island and Lovell's Island, upon the former of which the United States are erecting works of fortification known as Fort Warren.

"SEC. 2. The consent of this Commonwealth is hereby granted to the United States to purchase an island in the harbor of Boston, called Governor's Island, for the purpose of erecting thereon forts, magazines, arsenals, dockyards, and other needful buildings; the evidence of the purchase aforesaid to be entered and recorded in the registry of deeds, in the county of Suffolk, and Commonwealth of Massachusetts; and the jurisdiction over the said Governor's Island is hereby granted and ceded to the United States: *Provided, always*, and the cession and consent aforesaid are granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the islands aforesaid, so far as that all civil processes, and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said islands, may be executed therein in the same way and manner as though this cession and consent had not been made and granted.

"SEC. 3. The property over which jurisdiction is granted by this act shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this Commonwealth, while the said islands shall remain the property of the United States, and shall be used for the purposes intended by this act."

WATERTOWN ARSENAL.

This reservation contains an area of about 54 acres, and is situated at Watertown, in Middlesex County. The title is as follows:

1. Deed from Thomas Learned and wife to the United States, dated September 23, 1816, conveying 20 acres 3 roods and 39 poles of land. Deed recorded in Book 219, page 56, of the deed records of Middlesex County.

2. Decree of condemnation for 18 acres 2 roods and 134 perches of land adjoining land purchased from Learned, in case of the United States *v.* John Baxter et al., in the Circuit Court of Common Pleas for the Middle Circuit for the County of Middlesex. Decree rendered and filed with the record in said cause in the Clerk's office of said Court at Concord, in said County.

3. Deed from Jonathan Child et al. to the United States, dated July 28, 1830, conveying 3 acres 3 roods and 13 rods of land. Deed recorded in Book 299, page 324, of the deed records of Middlesex County.

4. Deed from John Baxter et al. to the United States, dated September 28, 1830, conveying 1 rood 8 poles and 354 square links of land. Deed recorded in Book 298, page 514, of the deed records of Middlesex County.

5. Decree of condemnation for 1 rood 8 poles and 354 square links of land, in case of the United States *v.* Elizabeth Bates et al., before

the County Commissioners at Cambridge, in Middlesex County. Decree rendered and filed with the record in the office of the County Commissioners at Cambridge, in Middlesex County, March 30, 1831.

6. Deed from Thomas Learned and wife to the United States, dated April 15, 1839, conveying 10 acres of land. Deed recorded in Book 381, page 296, of the deed records of Middlesex County.

7. Deed from Williard Sears and wife to the United States, dated September 23, 1867, conveying 44 acres of land. Deed recorded in Book 1018, page 230, of the deed records of Middlesex County, at Cambridge.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved June 17, 1816, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of this Commonwealth be, and hereby is, granted to the United States, to purchase a tract of land not exceeding sixty acres, situated in the town of Watertown, in the county of Middlesex, on the left bank of Charles River, about one mile below the Watertown bridge, so called, for the purpose of erecting forts, magazines, arsenals, dock yards, and other needful buildings; the evidence of the purchases aforesaid to be entered and recorded in the registry of deeds in the said county of Middlesex: *Provided always*, And the consent aforesaid is granted upon the expressed condition that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said tract of land may be executed therein, in the same way and manner as though this consent had not been made or granted"

FORT WINTHROP.

This reservation embraces the whole of what is known as Governor's Island, and is situated in Boston Harbor. The title is as follows:

1. Deed from James Winthrop to the United States, dated May 18, 1808, conveying 6 acres of Governor's Island. Deed recorded in Liber 225, folio 193, of the deed records of Suffolk County.

2. Quit claim deed from Charles A. Bigelow and wife to the United States, dated February 23, 1846, conveying all interest in Governor's Island. Deed recorded in Liber 558, folio 1, of the deed records of Suffolk County.

Jurisdiction was ceded to the United States by acts of the State Legislature, approved June 25, 1798, and February 7, 1846, (See acts under Fort Independence and Fort Warren), and by the following act, passed March 12, 1808:

"*Be it enacted, etc.*, That all the provisions in the act, to which this act is in addition, relative to the purchase, jurisdiction, and tenure of Governor's Island, in the harbor of Boston, shall be construed to extend, and shall extend to any part or portion of said Island, which may be selected or designated on the part and behalf of the United States, by their proper officers, for the purposes expressed in said act: *Provided, however*, That all those parts of said Island, which shall not be taken to the use of the United States within two years from the passing of this act, shall remain free from any claim of the United States, in virtue of the act to which this is in addition."

MICHIGAN.

FORT BRADY (NEW.)

This reservation contains about 75 acres, and is situated west of and adjoining the city of Sault Ste. Marie, in Chippewa County. The land was acquired under the provisions of an Act of Congress approved July 8, 1886, and the title is as follows:

1. Deed from Thomas Ryan and wife to the United States, dated December 18, 1886, conveying 80 acres with exceptions. Deed recorded in Liber 19, page 340, of the deed records of Chippewa County.

2. Quitclaim deed from the city of Sault Ste. Marie to the United States, dated May 22, 1888, conveying certain streets, roads, etc. Deed recorded in Liber 17, page 581, of the deed records of Chippewa County.

Jurisdiction over this reservation rests upon the following acts of the State Legislature, approved March 29, 1871, and March 24, 1874:

"SECTION 1. *The People of the State of Michigan enact*, That the jurisdiction of this State is hereby ceded to the United States of America, over all such pieces or parcels of land within the limits of this State as have been or shall hereafter be selected and acquired by the United States, for the purpose of erecting post-offices, custom-houses, or other structures exclusively owned by the general government, and used for its purposes: *Provided*, That an accurate description and plat of such lands so acquired, verified by oath of some officer of the general government having knowledge of the facts, shall be filed with the Governor of this State: *And provided further*, That this cession is upon the express condition that the State of Michigan shall so far retain concurrent jurisdiction with the United States, in and over all lands acquired or hereafter acquired as aforesaid, that all civil and criminal process issued by any court of competent jurisdiction, or officers having authority of law to issue such process, and all orders made by such court, or any judicial officer duly empowered to make such orders, and necessary to be served upon any person, may be executed upon said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. The lands aforesaid, when so acquired, shall forever be exempt from all taxes and assessments, so long as the same shall remain the property of the United States." (Act of March 29, 1871.)

"SECTION 1. That the United States of America shall have power to purchase, or to condemn, in the manner prescribed by its laws, upon making just compensation therefor, any land in the State of Michigan required for custom-houses, arsenals, light-houses, National Cemeteries, or for other purposes of the government of the United States.

"SEC. 2. The United States may enter upon and occupy any land which may have been or may be purchased or condemned, or otherwise acquired, and shall have the right of exclusive legislation and concurrent jurisdiction together with the State of Michigan, over such land and the structures thereon, and shall hold the same exempt from all State, county, and municipal taxation." (Act of March 24, 1874.)

GARRISON CEMETERY (OLD FORT BRADY).

This reservation contains an area of about 7.09 square chains, and is a part of the old Fort Brady reservation reserved from sale by executive order dated November 28, 1894. The title is as follows:

The reservation of which this small tract formed a part was a part of the lands acquired by treaty with the Chippewa Indians, concluded

by Gen. Lewis Cass June 16, 1820. Executive order dated April 3, 1847, reserved the tracts for public uses. Fort Brady was established in June, 1822, and abandoned and lands disposed of at various times until 1884, when final disposition was made, except as to the above cemetery lot.

For jurisdiction see Fort Brady.

LAKE SIDE CEMETERY.

This burial ground contains about 12,000 square feet of ground. It is situated at Port Huron, in St. Clair County. The title is as follows:

Deed from the city of Port Huron to the United States, dated October 14, 1881, conveying Lots 144 to 159, inclusive. Deed recorded in the office of the City Clerk of Port Huron.

For jurisdiction, see Fort Brady.

FORT WAYNE.

This reservation contains an area of about 63 acres. It is situated on the Detroit River, in Wayne County, near the City of Detroit. The title is as follows:

1. Quit claim deed from Arthur J. Robinson to the United States, dated June 3, 1842, conveying 7.40 acres. Deed recorded in Liber 24, folio 396, etc., of the deed records of Wayne County.

2. Quit Claim deed from Robert A. Forsyth and wife to the United States, dated June 3, 1842, conveying 23.36 acres. Deed recorded in Liber 21, folio 401, etc., of the deed records of Wayne County.

3. Deed from Benjamin B. Kercheval and wife to the United States, dated June 3, 1842, conveying 23.36 acres. Deed recorded in Liber 21, folio 402, etc., of the deed records of Wayne County.

4. Deed from William Dwight and wife to the United States, dated April 15, 1844, conveying 41.86 acres. Deed recorded in Liber 24, folio 394, etc., of the deed records of Wayne County.

Jurisdiction was ceded to the United States by an act of the State legislature approved February 9, 1842, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction of the State be, and the same is hereby ceded to the United States, over any tract of land, not exceeding two hundred acres, that may be purchased by the United States, for the purpose of erecting thereon a fortification for the defence of Detroit: *Provided*, That if in the execution of the work for which the said cession is made it should become necessary to vacate any road or highway now running through the said land, another road or highway of equal width, ranging as little as may be, consistent with the military object in view, from the present route of said road or highway, shall be opened and put in good condition for traveling, at the expense of the United States."

See also Fort Brady.

MINNESOTA.

FORT SNELLING.

This reservation contains an area of 1,531.21 acres, and is situated at the junction of the Minnesota and Mississippi Rivers between the cities of St. Paul and Minneapolis in Hennepin County. The title is as follows:

Being a part of the public domain, a post was established in September, 1819, and the lands held for military purposes until formally reserved

by Executive orders dated May 25 and November 16, 1853. The reservation was reduced to its present area by sales under an Act of Congress approved May 7, 1870, and the present boundaries established by General Order No. 13, Department of Dakota, 1880.

Jurisdiction ceded to the United States by an act of the State Legislature approved April 24, 1889, which provides as follows:

"SECTION 1. That jurisdiction is hereby ceded to the United States of America over the following-described territory, to wit: Beginning at a point where the south line of the northeast quarter (NE. ¼) of the northeast quarter (NE. ¼) of section thirty-two (32) of township twenty-eight (28), north of range twenty-three (23), west of the fourth (4th) principal meridian, intersects the middle of the main channel of the Minnesota River; thence west to the southwest corner of the northwest quarter (NW. ¼) of the northwest quarter (NW. ¼) of section thirty-two (32), town and range aforesaid; thence north to the northwest corner of section twenty (20), town and range aforesaid; thence east to the middle of the main channel of the Mississippi River; thence along the main channel of the Mississippi River to the confluence of the Mississippi River at the head of Pike Island, and the middle of the Minnesota River to the place of beginning; *Provided*, The public highways across said reservation shall be kept open for public travel.

"SEC. 2. From the cession of jurisdiction to the United States hereby granted the following reservation is hereby made, to wit: The State of Minnesota shall have and hereby does reserve and retain a concurrent jurisdiction with the United States in and over the territory aforesaid, so far as may be necessary for said State and its officers to serve any process or papers, civil or criminal, that may be lawfully issued under the authority of said State or of any of the departments of the government thereof, and to arrest on said territory and punish any person or persons charged with crime against the laws of said State, whether committed within or without the boundaries of said territory, in the same manner and to the same extent as though said cession of jurisdiction had not been made."

ST. PAUL QUARTERMASTER AND COMMISSARY DEPOT.

This reservation contains an area of about 15,500 square feet of ground, and is situated in St. Paul proper, being Lot 3 and part of Lot 4 of Block 31. The property was acquired under an Act of Congress approved August 7, 1882, and the title is as follows:

Deed from the city of St. Paul to the United States, dated August 19, 1882, conveying Lot 3 and part of Lot 4 in Block 31, in St. Paul proper. Deed recorded in Book 111, pages 194 to 197, of the deed records of Ramsey County at St. Paul.

Jurisdiction was ceded to the United States by an act of the State Legislature approved February 26, 1883, as follows:

"SECTION 1. That the consent of the legislature of the State of Minnesota be, and hereby is, granted to the United States to purchase and hold in this State, for the purpose of erecting a building thereon to be used as a depot for supplies for the Army or other purposes, the following-described tracts and parcels of land, to wit: Commencing at the south-west corner of lot number four in block number thirty-one of St. Paul proper, thence running northerly along the west line of said lot for one hundred and seven thirty-one one-hundredths feet to an alley, thence at right angles easterly along the southerly line of said alley, to the easterly line of said lot four; thence southerly along said east line

of said lot four to the southeast corner of said lot four, thence westerly along the northerly line of Second Street to the place of beginning; all being a part of lot four in block thirty-one in the original town of St. Paul as surveyed by Ira Brunson; also lot number three in said block number thirty-one of St. Paul proper, according to the recorded plat thereof on file in the office of the register of deeds of said county of Ramsey; said lands being situated in said county of Ramsey, Minnesota, and jurisdiction over the same is hereby ceded to the United States from and after such date as the title thereto shall have been vested in the United States.

"SEC. 2. The Secretary of State shall, within one month after the title to said land is vested in the United States, cause a map of the same to be made showing definitely the boundaries thereof and shall file the same in his office and make a proper record thereof.

"SEC. 3. From the cession of jurisdiction to the United States, hereby granted, the following reservation is hereby made, to wit: The State of Minnesota shall have and hereby does reserve and retain a concurrent jurisdiction with the United States in and over the territory aforesaid so far as may be necessary for said State and its officers to serve any process or papers, civil or criminal, that may be lawfully issued under the authority of said State or of any of the departments of the government thereof, and to arrest on said territory and punish any person or persons charged with crime against the laws of said State, whether committed within or without the boundaries of said territory, in the same manner and to the same extent as though said cession of jurisdiction had not been made."

MISSISSIPPI.

SHIP ISLAND (FORT MASSACHUSETTS).

This reservation contains an area of about 50 acres and includes the whole of Ship Island. It is situated in the Gulf of Mexico, near the coast of Mississippi, about 14 miles from Biloxi. The title is as follows:

As a part of the public domain it was reserved for military purposes by Executive Order dated August 30, 1847.

Jurisdiction was ceded by an act of the State Legislature approved November 15, 1858, which provides as follows:

"SECTION 1. *Be it enacted, etc.* For the purpose of enabling the United States to carry into effect an Act of Congress of March 3, 1857, providing for the fortification of Ship Island, Coast of Mississippi, by building and maintaining such forts, magazines, arsenals, dockyards, wharves, and other structures, with their appendages, as may be necessary for the object aforesaid, jurisdiction is hereby ceded to the United States over the said Ship Island, in the Gulf of Mexico, Coast of Mississippi, to include all of said Island above and within low-water mark, and over all the contiguous shores, flats, and waters within seventeen hundred and sixty yards from low-water mark, and all right, title, and claim which this State may have in or to the said Ship Island, Coast of Mississippi, are hereby granted to the United States: *Provided*, That this State shall retain a concurrent jurisdiction with the United States in and over all the premises aforesaid so far that all civil process and such criminal process as may issue under the authority of this State against any person or persons charged with crimes committed without the premises aforesaid may be executed therein in the same way and manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. The premises over which jurisdiction is granted by this act and all structures and other property thereon shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this State while said premises shall remain the property of the United States and shall be used for the purposes intended by this act."

CORINTH NATIONAL CEMETERY.

This reservation contains an area of 20 acres, and is situated at Corinth, in Alcorn County. The title is as follows:

1. Deed from Calvin F. Vance and wife et al. to the United States, dated February 1, 1868, conveying 20 acres of land, by metes and bounds, being a portion of Section 12, Township 2, of Range 7 East, etc. Deed recorded in Deed Book B B, page 351, etc., of the Deed Records of Tishomingo County.

2. Deed from M. A. Mitchell to the United States, dated October 15, 1888, conveying land for right of way. Deed recorded in Book 12, page 490, of the Deed Records of Alcorn County.

3. Deed from the City of Corinth to the United States, dated January 7, 1889, conveying right of way, etc. Deed recorded in Book 12, page 560, of the deed records of Alcorn County.

Jurisdiction over this cemetery was ceded to the United States by the following act of the State Legislature, approved February 12, 1875:

"SECTION 1. *Be it enacted, etc.*, That exclusive jurisdiction be, and hereby is, given to the United States to and over the following tracts of land and appurtenances thereunto belonging, now used and occupied as National Cemeteries in this State, to wit: All of a tract or parcel of land situated near the city of Natchez, in the county of Adams, inclosed by a brick wall, and known as the Natchez National Cemetery; also, all of a tract or parcel of land situated on the banks of the Mississippi river, near the city of Vicksburg, in the county of Warren; said tract embraces not only all that is now enclosed by a brick wall, but also a strip lying between the southwest side of said wall and the Mississippi river, now owned by the United States and occupied for purposes aforesaid, and known as the Vicksburg National Cemetery; also, another certain tract of land, situated near the city of Corinth, in the county of Alcorn, consisting of twenty acres (more or less), and known as the Corinth National Cemetery; the legal title to said several parcels of land being now in the United States for purposes aforesaid.

"SEC. 2. *Be it further enacted*, That the jurisdiction hereby ceded to the United States shall extend to the premises aforesaid, and all improvements that are, or may be made thereon by the United States, shall continue so long as said lands shall be used for the purpose aforesaid, the same to be free and exempt from any and all taxes or assessments under any law of this State, or municipal authority thereof, nor shall they be subject to levy and sale by any process known to the laws of this State."

NATCHEZ NATIONAL CEMETERY.

This reservation contains an area of 11.07 acres, and is situated at Natchez, in Adams County. The title is as follows:

1. Deed from Margaret Case et al. to the United States, dated January 31, 1867, conveying 11.07 acres. Deed recorded in Book O O, page 408, etc., of the deed records of Adams County.

2. Deed from the City of Natchez to the United States, dated October 11, 1886, conveying rights of way, etc. Deed recorded in Book 3 A, page 398, etc., of the deed records of Adams County.

For Jurisdiction see Corinth National Cemetery.

VICKSBURG NATIONAL CEMETERY.

This reservation contains an area of 40 acres and a Cemetery Roadway, and is situated at Vicksburg, in Warren County. The title is as follows:

1. Deed from Alvey H. Jaynes and wife to the United States, dated August 27, 1866, conveying 40 acres.

2. Deed from the County of Warren to the United States, dated August 10, 1880, conveying right of way from the City of Vicksburg to the Cemetery. Deed recorded in Book Y Y, page 433, etc., of the deed records of Warren County.

3. Deed from Heirs of A. H. Arthur to the United States, dated January 10, 1888, conveying a right of way. Deed recorded in Book No. 65, page 141, etc., of the deed records of Warren County.

4. Deed from Thomas Rigeley to the United States, dated May 4, 1888, conveying a right of way. Deed recorded in Book No. 65, page 143, of the deed records of Warren County.

5. Deed from George M. M. Linn to the United States, dated September 26, 1887, conveying a right of way. Deed recorded in Book No. 65, page 140, etc., of the deed records of Warren County.

6. Deed from John B. Mattingly to the United States, dated September 7, 1887, conveying a right of way. Deed recorded in Book No. 65, page 139, etc., of the deed records of Warren County.

7. Deed from William M. Vogleson to the United States, dated September 7, 1887, conveying a right of way. Deed recorded in Book No. 64, page 392, etc., of the deed records of Warren County.

8. Deed from Mary A. Wyman to the United States, dated September 1, 1887, conveying a right of way. Deed recorded in Book No. 64, page 393, etc., of the deed records of Warren County.

9. Condemnation of property for right of way by Board of Supervisors *v.* J. O. Linn for a right of way to cemetery, etc. Recorded in Deed Book No. 54, page 225, etc., of the deed records of Warren County.

The roadway described in the foregoing deeds was acquired through the Board of Supervisors of Warren County, who derived their authority under an Act of the State Legislature approved March 2, 1880.

For Jurisdiction see Corinth National Cemetery.

MISSOURI.

JEFFERSON BARRACKS.

This reservation contains an area of 1,260.91 acres, and is situated in South St. Louis on the Mississippi River, 10 miles from St. Louis, in St. Louis County. The title is as follows:

1. Deed from the inhabitants of Carondolet to the United States, dated July 8, 1826, conveying part of "Carondolet Common." Deed recorded in Book N, page 113, of the deed records of St. Louis County.

2. Quit-claim deed from the City of Carondolet to the United States, dated October 25, 1854, conveying by metes and bounds a portion of the Common of said city, containing 1,702 acres, more or less. Deed recorded in Book 160, page 130, of the deed records of St. Louis County.

3. Quit-Claim Deed from Charles Blank et al. to the United States, dated July 17, 1890, conveying 0.70 acre, etc. Deed recorded in Book 49, page 54 of the deed records of St. Louis County.

The area as originally acquired was reduced by Act of Congress, approved July 23, 1894, to the present area. The reservation includes the St. Louis Powder Depot and the Jefferson Barracks National Cemetery.

Jurisdiction was ceded to the United States by an Act of the State Legislature, approved March 18, 1892, which provides as follows:

"SECTION 1. That exclusive jurisdiction be, and the same is hereby, ceded to the United States over and within all the territory owned by the United States and included within the limits of the military post and reservation of Jefferson Barracks, in St. Louis county, in this state; saving, however, to the said state the right to serve civil or criminal process within said reservation in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said state outside of said cession and reservation; and saving further to said state the right to tax and regulate railroad, bridge, and other corporations, their franchises and property on said reservation. In the event, or whenever Jefferson Barracks shall cease to be used by the federal government as a military post, the jurisdiction ceded herein shall revert to the state of Missouri."

ST. LOUIS CLOTHING DEPOT.

This reservation contains 31.8 acres, and is situated in the City of St. Louis, on the Missouri River. The title is as follows:

1. Deed from A. Chenie and wife to the United States, dated August 3, 1827, conveying 13 arpents of land. Deed recorded in Book N, page 486 of the deed records of St. Louis County.

2. Deed from Arend Rutgers and wife to the United States, dated August 3, 1827, conveying 31 arpents of land. Deed recorded in Book N, page 482, of the deed records of St. Louis County.

JEFFERSON CITY NATIONAL CEMETERY.

This reservation contains an area of 2 acres, and is situated at Jefferson City, in Cole County. The title is as follows:

Deed from Israel B. Read and wife to the United States, dated December 7, 1867, conveying 2 acres. Deed recorded in Book A, page 462, etc., of the deed records of Cole County.

SPRINGFIELD NATIONAL CEMETERY.

This reservation contains an area of 5 acres and a roadway, and is situated about 4 miles from the City of Springfield, in Greene County. The title is as follows:

1. Deed from the City of Springfield to the United States, dated August 16, 1867, conveying 5 acres. Deed recorded in Book S, page 294, of the deed records of Greene County.

2. Quitclaim deed from N. F. Cheaers et al. to the United States, dated June 2, 1868, conveying about 5 acres. Deed recorded in Book S, page 342, of the deed records of Greene County.

3. Deed from John S. Phelps to the United States, dated May 22, 1885, conveying a roadway. Deed recorded in Book 59, page 418, of the deed records of Greene County.

4. Deed from Jestion Potter to the United States, dated ———, 1885, conveying a roadway. Deed recorded in Book 59, page 419, of the deed records of Greene County.

5. Deed from Edward J. Cox to the United States, dated May 21, 1885, conveying a roadway. Deed recorded in Book 59, page 420, of the deed records of Greene County.

6. Deed from William G. Evans and wife to the United States, dated May 21, 1885, conveying a roadway. Deed recorded in Book 61, page 58, of the deed records of Greene County.

7. Deed from George A. C. Woolley and wife to the United States, dated May 21, 1885, conveying a roadway. Deed recorded in Book 61, page 57, of the deed records of Greene County.

MONTANA.

FORT ASSINNIBOINE.

The present area of this reservation is about 220,000 acres. The Post was established May 19, 1879, under authority of an Act of Congress approved June 18, 1878, and lies within the limits of Choteau County. As a part of the public domain the reservation was declared by Executive Order dated March 4, 1880, and re-declared June 16, 1881. A new reservation, with the addition of Hay and Coal Field reserves, was declared May 2, 1888, making a total of about 704,000 acres reserved. This area was reduced October 9, 1891, by transferring the Hay and Coal Field reserves to the Interior Department.

(Through an error of survey most of the Post buildings were located on Sec. 36, T. 13, N. R. 20 W., instead of Sec. 31, T. 13, N. R. 19 W., the section reserved for military purposes.

The cession of jurisdiction does not apply to section 36, as that section was not set aside as a reservation, but was granted to the State for school purposes.)

Jurisdiction was ceded to the United States by Article II of the Constitution of the State, which provides as follows:

"SECTION 1. Authority is hereby granted to and acknowledged in the United States to exercise exclusive legislation as provided by the Constitution of the United States, over the military Reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula, and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the Legislative Assembly of the State of Montana; and the Legislative Assembly is authorized and directed to enact any law necessary or proper to give effect to this article.

"*Provided*, That there be, and is hereby, reserved to the State the right to serve all legal process of the State, both civil and criminal, upon persons and property found within any of said reservations in all cases where the United States has not exclusive jurisdiction."

FORT CUSTER.

1. *Post Reservation.*—The post reservation contains an area of 36 square miles, and is situated in Townships 1 and 2, South of Ranges 33 and 34 East, formerly a part of the Crow Indian Reservation, in Custer County.

2. *National Cemetery of Custer's Battlefield Reservation.*—This reservation contains an area of 1 square mile, and is situated on the right bank of the Little Big Horn River; formerly a part of the Crow Indian Reservation in the same County.

3. *Limestone Reservation.*—This reserve contains an area of 3.48 square miles, and is situated on the Big Horn River; part of same former reservation, and in same County.

The above, aggregating 25,907.20 acres, was reserved for military purposes by Executive Order, dated December 7, 1886. The Post was established July 4, 1877, under authority of an Act of Congress approved July 22, 1876.

For Jurisdiction see Fort Assinniboine; also Fort Harrison.

FORT HARRISON.

This reservation contains an area of 1,040 acres, and is situated about 6 miles west of the City of Helena, in Lewis and Clark County. The land was acquired and post established under an Act of Congress approved May 12, 1892, and the title is as follows:

1. Quit Claim Deed from Ansalem J. Davidson (Trustee) and wife to the United States, dated December 31, 1892, conveying all their right, title, and interest in and to Sections 15, 16, 17, 21, and 22, in Township 10, North Range 4 West. Deed recorded in Book 32, page 326, of the deed records of Lewis and Clark County.

2. Quit Claim Deed from Nicholas Kessler to the United States, dated February 17, 1893, conveying all right, title, and interest in Section 16, Township 10, North Range 4 West. Deed recorded in Book 25, page 271, of the deed records of Lewis and Clark County.

3. Deed from Nicholas Kessler to the United States, dated February 17, 1893, conveying the North half of the northwest quarter of Section 22, Township 10, North Range 4 West, containing 80 acres. Deed recorded in Book 31, page 467, of the deed records of Lewis and Clark County.

4. Quit Claim Deed from the State of Montana to the United States, dated March 7, 1893, conveying the east half of Section 16, Township 10, North Range 4 West. Deed recorded in Book 32, page 323, of the deed records of Lewis and Clark County.

5. Quit Claim Deed from Eli Knobb and wife to the United States, dated March 10, 1893, conveying the "Giant H" Quartz-lode Claim, 600 feet by 1,500 feet, in Section 16, Township 10, North Range 4 West. Deed recorded in Book 25, page 273, of the deed records of Lewis and Clark County.

6. Quit Claim Deed from Mary B. Sperling to the United States, dated March 21, 1893, conveying part of Good Luck Mining Claim, containing 0.34 acre—reserving right to mine, etc. Deed recorded in Book 26, page 141, of the deed records of Lewis and Clark County.

7. Quit Claim Deed from Northern Pacific Railroad Company et al. to the United States, dated March 21, 1893, conveying the West half (less right of way for main line 0.25 acre) of Section 15; the northeast quarter; the east half of the northwest quarter, and northwest quarter of northwest quarter, of Section 21; the southeast quarter of the southeast quarter of Section 17, in Township 10, North Range 4 West, containing 640 acres; reserving a strip 400 feet wide for right of way for railroad purposes. Deed recorded in Book 32, page 320, of the deed records of Lewis and Clark County.

8. Quit Claim Deed from Jacob Fisher and wife to the United States,

dated April 15, 189[illegible], conveying all interest in Section 16, Township 10, North Range 4 West. Deed recorded in Book 25, page 272, of the deed records of Lewis and Clark County.

9. Quit Claim Deed from H. W. Brooks and wife et al. to the United States, dated May 22, 1893, conveying all right, title, and interest in the East half of Section 16, Township 10, North Range 4 West, known as the Red Rock Lode and the Minnie B. Lode Mining Claims. Deed recorded in Book 29, page 236, of the deed records of Lewis and Clark County.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved February 14, 1891, which provides as follows:

"SECTION 1. That pursuant to Article I, section 8, paragraph 17, of the Constitution of the United States, consent to purchase is hereby given and exclusive jurisdiction ceded to the United States over and with respect to all lands within the State which are or may be embraced within the Yellowstone National Park, together with all such lands as are now or may hereafter be occupied and held by the United States for military purposes either as additions to the military posts over which jurisdiction is ceded by the Constitution of Montana, or as new or other posts or reservations established within the State for the common defense, reserving, however, to this State a concurrent jurisdiction for the execution upon said lands or in the buildings erected thereon of all process, civil or criminal, lawfully issued by the courts of the State and not incompatible with this cession." (See also Fort Assinniboine.)

FORT KEOGH.

The present area of this reservation is about 90 square miles. It is situated in Custer County, and, being a part of the public domain, was reserved for military purposes by Executive order dated March 14, 1878. The Post was established in 1876, under authority of an act of Congress, approved July 22, 1876. By Act of Congress, approved July 30, 1890, the reservation was reduced to its present area.

For Jurisdiction see Fort Assinniboine.

FORT MISSOULA.

This reservation contains an aggregate of 2,777.41 acres, of which 1,200 acres belong to the Post proper and 1,577.41 to the Wood and Timber reserve. The Post is situated on Bitter Root River, 1 mile from Bitter Root and 4 miles from Missoula. It was established in June, 1877. The Wood and Timber reserve is 6 miles southeast of the Post. The lands were reserved from the public domain by Executive order dated February 19, 1877. The reservation was enlarged by Executive order dated August 5, 1878, and the Wood and Timber reserve declared by Executive order dated June 10, 1879.

For Jurisdiction see Fort Assinniboine and Fort Harrison. See Appendix, page 312.

NEBRASKA.

FORT CROOK.

This reservation contains an area of 545.67 acres and is situated in Sarpy County, about 5 miles southwest of the City of Omaha. The Post was established under authority of an Act of Congress approved

July 23, 1888, and the title to the lands acquired for the purpose is as follows:

1. Deed from Henry T. Clarke and wife to the United States, dated September 7, 1889, conveying 502.59 acres of land. Deed recorded in Book V, page 189, of the deed records of Sarpy County.

2. Decree of Condemnation for 43.08 acres in case of The United States *v.* said land and Henry Zucher, defendant, in the District Court of the United States for the District of Nebraska. Decree rendered February 4, 1890, and filed with the record in the Clerk's Office of said District Court.

Consent to the purchase of this reservation was given, and jurisdiction over it was ceded to the United States, by an Act of the State Legislature approved March 30, 1889, which provides as follows:

"SECTION 1. That the consent of the State of Nebraska is hereby given to the purchase or condemnation by the United States of such land in Sarpy, Washington, or Douglas county, Nebraska, not exceeding one thousand acres in extent, as may hereafter be selected by the United States, as a site for a military post and reservation.

"SEC. 2. The jurisdiction of the state of Nebraska in and over the land mentioned in the preceding section, when purchased or condemned by the United States, shall be, and the same hereby is ceded to the United States: *Provided*, That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said land.

"SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of Nebraska shall retain concurrent jurisdiction with the United States in and over the said land so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of Nebraska against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

"SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, grant or condemnation, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state."

FORT McPHERSON NATIONAL CEMETERY.

This reservation contains an area of 107 acres and is situated about 4 miles from Maxwell, in Lincoln County. The title is as follows:

Reserved from the public domain for military purposes by Executive orders; January 22, 1867; January 25, 1870, and October 11, 1870; the reservation being known as Fort McPherson, and contained 19,500 acres. The Post was abandoned and the lands transferred to the Department of the Interior by War Department Circular dated January 10, 1887, reserving the above National Cemetery tract as the same was set apart by Executive order dated October 30, 1873.

FORT NIOBRARA.

This reservation contains 54 square miles and 453 acres. It is situated on the Niobrara River about 4½ miles from Valentine, in Cherry

County. The Post was established under authority of an Act of Congress approved June 23, 1879, and lands, being a part of the public domain, reserved for military purposes by Executive order dated December 10, 1879; enlarged by Executive order dated June 6, 1881, and modified by Executive order dated April 29, 1884, with boundaries defined to include above area.

Jurisdiction was ceded to the United States by acts of the State Legislature approved March 29, 1887, and March 29, 1889. These acts provide as follows:

"SECTION 1. That the jurisdiction of the State of Nebraska in and over the military reservations known as Fort Niobrara and Fort Robinson be, and the same are hereby, ceded to the United States.

"*Provided*, That the jurisdiction hereby ceded shall continue no longer than the United States shall own and occupy said military reservations.

"SEC. 2. The said jurisdiction is ceded upon the express condition that the State of Nebraska shall retain concurrent jurisdiction with the United States in and over the said military reservations so far as that all civil process in all cases, and such criminal or other process may issue under the laws or authority of the State of Nebraska against any person or persons charged with crime or misdemeanors committed within said State, may be executed therein in the same way and manner as if such jurisdiction had not been ceded, except so far as such process may affect the real and personal property of the United States.

"*Provided*, That nothing in the foregoing act shall be construed so as to prevent the opening and keeping in repair public roads and highways across and over said reservations." (Approved March 29, 1887. Published as sections 10 and 11, article 13, chapter 83, Compiled Statutes of 1887.)

"SECTION 1. That section ten (10), article thirteen (13), of chapter eighty-three (83), of an act ceding the jurisdiction over the military reservations of Fort Niobrara and Fort Robinson, Nebraska, be amended to read as follows:

"That the jurisdiction of the state of Nebraska, in and over the reservations known as Fort Niobrara and Fort Robinson be, and the same are hereby, ceded to the United States.

"*Provided*, That the jurisdiction hereby ceded to the United States shall continue no longer than the United States shall own or occupy said military reservations.

"*Provided further*, That nothing in this act shall exempt any property within the limits of said military reservations belonging to any civilian therein from assessment, levy, and collection of tax which would otherwise be subject to taxation within Nebraska, except the personal property of the officers and enlisted men in the service of the United States who may be stationed on said military reservations, the said personal property being owned by said officers and enlisted men for their comfort and convenience. Nor shall any of the provisions of this act in any way interfere with any proper officer of the state of Nebraska in entering upon said reservations for the purpose of assessment or collecting any taxes due said state. Nor shall any of the provisions of this act prevent the enforcement on said military reservations of chapter fifty (50) of the Compiled Statutes relating to the license and sale of intoxicating liquors.

"SEC. 2. That section ten (10), article thirteen (13), chapter eighty-three (83), as now existing is hereby repealed, and this, the section substituted in its stead: *Provided*, That all suits pending and all rights

acquired under section hereby repealed shall be saved the same as though said section had continued in force." (Approved March 29, 1889.)

OMAHA DEPOT.

This reservation contains about 5 acres of land and is situated adjoining the City of Omaha, in Section 27, Township 15, North Range 13 East, of the Sixth Principal Meridian, Douglas County. The title is as follows:

1. Deed from heirs of Jacob S. Shull to the United States, dated August 9, 1879, conveying 5 acres of land. Deed recorded in Book 30, page 163, of the deed records of Douglas County.

2. Quit Claim Deed from Augustus Kountze and wife et al. to the United States, dated September 1, 1879, conveying all interest in above land. Deed recorded in Book 30, page 162, of the deed records of Douglas County.

Jurisdiction ceded to the United States by an Act of the State Legislature, approved March 2, 1881, which provides as follows:

"SECTION 1. That the consent of the State of Nebraska is hereby given to the purchase or lease by the United States of the lands situated in the City of Omaha, County of Douglas, State of Nebraska, and described as follows, to wit: (Here the 5 acres are described by metes and bounds.) The provisions of this act shall extend to all additions to the above-described lands hereafter obtained.

"SEC. 2. The jurisdiction of the State of Nebraska in and over the lands mentioned in the preceding section shall be, and the same hereby is ceded to the United States: *Provided*, the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy said lands.

"SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of Nebraska shall retain concurrent jurisdiction with the United States in and over the said lands so far that all civil process in all cases, and such criminal or other process as may issue under the law or authority of the State of Nebraska against any person or persons charged with crime or misdemeanor committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

"SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase or grant, and so long as the said lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of the State."

FORT OMAHA.

This reservation contains an area of 82.50 acres and is situated in the City of Omaha, Douglas County. The site embracing 40 acres was purchased in 1868, which was legalized by Act of Congress, approved March 3, 1873. An addition of 42.50 acres was purchased in 1882. The title is as follows:

1. Deed from Emerson S. Seymour and wife to the United States, dated August 26, 1868, conveying 20 acres of land. Deed recorded in Book 4, page 320, of the deed records of Douglas County.

2. Deed from Charles B. Wells and wife to the United States, dated September 4, 1868, conveying 20 acres of land. Deed recorded in Book 4, page 339, of the deed records of Douglas County.

3. Quit claim Deed from Augustus Kountze and wife to the United States, dated April 17, 1882, conveying 42.50 acres of land. Deed recorded in Book 46, page 529, of the deed records of Douglas County.

Jurisdiction was ceded to the United States by an Act of the State Legislature, approved February 23, 1870, which provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of the State of Nebraska is hereby given to the purchase or lease by the United States, of the lands in Douglas County, not exceeding one hundred acres, upon which is located the military post now known as Omaha Barracks.

"SEC. 2. The jurisdiction of the State of Nebraska in and over the lands mentioned in the preceding section, when purchased or leased by the United States, shall be, and the same hereby is ceded to the United States: *Provided*, That the jurisdiction hereby ceded shall continue no longer than the said United States shall own or occupy the said lands.

"SEC. 3. The said consent is given and said jurisdiction ceded upon the express condition that the State of Nebraska shall retain concurrent jurisdiction with the United States, in and over the said lands so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of Nebraska, against any person or persons charged with crime or misdemeanor committed within said State, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

"SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase or grant, and so long as the said lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State.

"SEC. 5. It is further enacted that any malicious, wilful, reckless, or voluntary injury to or mutilation of the grounds, buildings, or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offence, imprisonment not exceeding six months in the County jail or workhouse, to be prosecuted before any court of competent jurisdiction."

FORT ROBINSON.

This reservation contains an area of 36 square miles, including the Wood and Timber reserve, and was a part of the public domain. It is situated on White River, 3 miles from Crawford, in Dawes and Sioux Counties. The Post was established in March, 1874, and by Executive order dated November 14, 1876, the reservation was then declared, with an area of 7 square miles and 199 acres, and this was afterwards enlarged by Executive order dated June 28, 1879, making the present area at the Post of 20 square miles. A Wood and Timber reserve, containing an area of 16 square miles, was declared by Executive order dated November 4, 1879. This last reserve is about 3 miles from the line of the Post reservation.

For Jurisdiction see Fort Niobrara. See Appendix, page 294.

NEVADA.

No Military Reservations.

NEW HAMPSHIRE.

FORT CONSTITUTION.

This reservation contains about 6 acres, and is situated on a rocky projection in the Piscataqua River at the entrance to the harbor of the City of Portsmouth. It is about 3 miles below the city, on the west side of the river, on the eastern end of "Great Island," being the most eastern end of New Hampshire. It was formerly an English fort called "William and Mary," and was occupied by the United States troops in 1806.

The title was acquired and jurisdiction ceded to the United States by acts of the State Legislature of February 14, 1791, and June 18, 1807, which provide as follows:

"*Be it enacted, etc.*, That one acre and three-quarters of an acre of a certain neck of land situate in Newcastle, on Great Island, at the entrance of Piscataqua River, commonly called Fort Point, to begin at the northeasterly extremity of said point, and to run southwesterly, carrying the whole width of said neck of land, until a line crossing said neck south forty degrees east shall complete the aforesaid acre and three-quarters of an acre of land, together with the fort and light-house thereon, be, and hereby are ceded to and vested in the United States of America, with all the jurisdiction thereof which is not reserved by this Act: *Provided, nevertheless, and be it further enacted*, That if the United States shall at any time neglect to keep lighted, and in repair said light-house, the cession aforesaid shall in that case be utterly void and of no effect: *Provided, also*, That all writs, warrants, executions and all other processes of every kind, both civil and criminal issuing under the authority of this State, or any officer thereof, may be served and executed on any part of said land, or in said fort, or any other building which now is, or hereafter may be erected upon the premises aforesaid, in the same way and manner as though this act had not been passed." (Passed February 14, 1791.)

"*Be it enacted, etc.*, That the remainder of the land at said New-Castle, belonging to this State, being about one acre and one half of an acre more or less, be and hereby is ceded to and vested in the United States of America, with all the jurisdiction thereof which is not reserved by this act: *Provided, nevertheless, and be it further enacted*, That all writs, warrants, executions, and all other processes of every kind, both civil and criminal issuing under the authority of this State, or any officer thereof, may be served and executed on any part of said land, or in any fort or other building which now is or hereafter may be erected upon said premises in the same way and manner as though this act had not been passed." (Approved June 18, 1807.)

POINT JERRY (BATTERY).

This reservation contains 10 acres, more or less, exclusive of right of way, and is situated in the town of New Castle, in Rockingham County. The title is as follows:

1. Deed from John Lamprey and wife to the United States, dated March 14, 1873, conveying land known as Point Jerry. Deed recorded in Book 442, page 261, of the deed records of Rockingham County.

2. Deed from John A. Lamprey et al. to the United States, dated March 14, 1873, conveying above premises. Deed recorded in Book 438, page —, of the deed records of Rockingham County.

There is no special act ceding jurisdiction over this battery to the United States, but jurisdiction is believed to have been ceded by the general act of the State Legislature, approved July 12, 1871, which provides as follows:

"SECTION 1. That the consent of the legislature of the State of New Hampshire be, and the same is hereby, given to the purchase by the government of the United States, or under the authority of the same, of any tract, piece, or parcel of land, from any individual or individuals, bodies politic or corporate, within the boundaries or limits of the State, for the purpose of erecting therein light-houses and other needful public buildings whatever; and all deeds, conveyances of title papers for the same, shall be recorded, as in other cases, upon the land records of the county in which the land so conveyed may lie; and in like manner may be recorded a sufficient description, by metes and bounds, courses and distances of any tract or tracts, legal divisions of any public land belonging to the United States, which may be set apart by the general government for any or either of the purposes before mentioned, by an order, patent, or other official document or papers so describing such land. The consent herein and hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of Congress in such cases made and provided.

"SEC. 2. The lots, parcels, or tracts of land, so selected, together with the tenements and appurtenances for the purposes before mentioned, shall be held exempt from taxation by the State of New Hampshire."

PORTSMOUTH GUN HOUSE.

This lot contains 5,760 square feet of land and is situated in the City of Portsmouth, in Rockingham County. The title is as follows:

Deed from the Selectmen of the town of Portsmouth to the United States, dated August 20, 1808, conveying the above lot. Deed recorded in Liber 4, folio 51, etc., of the deed records of Rockingham County, in Portsmouth.

NEW JERSEY.

BAYSIDE (POINT COMFORT).

This reservation contains an area of 25.734 acres and is situated near Point Comfort, in the township of Middletown, in Monmouth County. The title is as follows:

Deed from James F. Thomson and wife to the United States, dated May 20, 1892, conveying 25.734 acres. Deed recorded in Book 501, page 241, etc., of the deed records of Monmouth County.

Jurisdiction was ceded to the United States by an act of the State Legislature approved March 7, 1893, which, after describing in the preamble the lands above conveyed, provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of the State of New Jersey is hereby given to the acquisition by the United States of the tract or parcel of land above described, and the same is hereby ceded to the United States of America; upon the said land so acquired the

United States may erect fortifications, barracks, and other public buildings, for the defence of the southern or main entrance to New York harbor, and the United States shall have, hold, occupy and own said land thus acquired, and exercise jurisdiction and control over the same and every part thereof subject to the restrictions hereafter mentioned; the same, however, not to be used for quarantine purposes.

"SEC. 2. *And be it enacted*, That the jurisdiction hereby ceded shall vest when a plat and description of the land thus acquired shall have been filed in the office of the secretary of state of the State of New Jersey; such jurisdiction shall continue no longer than the United States shall own such land, and such consent is given and jurisdiction ceded upon the express condition that the State of New Jersey shall retain concurrent jurisdiction with the United States in and over such land so far as that all civil processes in all cases, and such criminal and other processes as may issue under the laws or authority of the State of New Jersey against any person or persons charged with crimes, misdemeanors or criminal offences committed within the State may be executed thereon, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such processes may affect the real or personal property of the United States.

"SEC. 3. *And be it enacted*, That so long as such land thus acquired shall remain the property of the United States, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the State."

BEVERLY NATIONAL CEMETERY.

This cemetery contains an area of 1 acre, and is situated at Beverly, in Burlington County. The title is as follows:.

Deed from Joseph Weyman to the United States, dated August 25, 1864, conveying 1 acre, etc. Deed recorded in Book C 7, page 270, etc., of the deed records of Burlington County, at Mount Holly.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved March 19, 1872, providing as follows:

"*Be it enacted, etc.*, That the consent of the State be, and the same is hereby given to the purchase by the United States of that certain piece of ground occupied as a national cemetery, situate near Beverly, in the county of Burlington, and known and described as follows: * * * being the same conveyed by Joseph Weyman to the United States by deed dated August twenty-fifth, eighteen hundred and sixty-four."

BILLINGSPORT.

This reserve contains 96 acres, and is situated in the township of Greenwich, in Gloucester County, on the Delaware River. The title is as follows:

Deed from Margaret M. Paul and Benjamin Weatherby to the Thirteen United Colonies of America, dated July 5, 1776, conveying by metes and bounds the above 96 acres

DOVER POWDER DEPOT.

This reservation contains 1,866.50 acres, and is situated in the townships of Rockaway and Jefferson, in Morris County. The title is as follows:

1. Deed from George E. Righter to the United States, dated June 26, 1880, conveying 1,195.80 acres. Deed recorded in Book L 10, page 16, etc., of the deed records of Morris County.

2. Deed from Uel H. Wiggins and wife to the United States, dated July 17, 1880, conveying 167.32 acres. Deed recorded in Book L 10, page 22, etc., of the deed records of Morris County.

3. Deed from Edward C. Fiedler and wife et al. to the United States, dated July 30, 1880, conveying 304.20 acres. Deed recorded in Book L 10, page 315, etc., of the deed records of Morris County.

4. Deed from Henry Doland et al. to the United States, dated August 20, 1880, conveying 11 acres. Deed recorded in Book M 10, page 463, etc., of the deed records of Morris County.

5. Deed from John E. Kindred to the United States, dated March 5, 1881, conveying 187.80 acres. Deed recorded in Book N 10, page 328, etc., of the deed records of Morris County.

Jurisdiction ceded to the United States by the following act of the State Legislature, approved March 10, 1880:

"*Be it enacted, etc.*, That the consent of the legislature of New Jersey be, and the same is hereby given, to the purchase by the government of the United States, or under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate, within the boundaries or limits of the State, for the purpose of erecting thereon magazines and other needful buildings to be used as a powder depot for the ordnance department of the United States Army; and all deeds, conveyances of title papers for the same, shall be recorded as in other cases upon the land records of the county in which the land so conveyed may be; the consent herein and hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of Congress in such cases made and provided."

FINN'S POINT.

This reservation contains an area of 104.35 acres of land, and is situated on the Delaware River in the township of Lower Penns Neck, 6 miles from the town of Salem, in Salem County. The title is as follows:

Deed from John G. Mason et al., Executors, etc., to the United States, dated July 15, 1837, conveying 104.35 acres. Deed recorded in Liber M M, folio 85, etc., of the deed records of Salem County.

Jurisdiction was ceded to the United States by acts of the State Legislature, approved April 6, 1871, and February 1, 1872, which provide as follows:

"*Be it enacted, etc.*, That the consent of the State be, and the same is hereby, given to the erection of defenses on Finn's Point by the United States; the consent herein and hereby given being as provided in the seventeenth clause of the eighth section of the first article of the constitution of the United States, and in the acts of Congress in such case made and provided." (Approved April 6, 1871.)

"*Be it enacted, etc.*, That the act entitled 'An act giving the consent of the State of New Jersey to the erection of defenses at Finn's Point, New Jersey,' approved April sixth, 1871, shall be so construed as to give the consent of the State to the purchase by the United States of the land on Finn's Point, for the erection of fortifications thereon." (Approved February 1, 1872.)

FINN'S POINT NATIONAL CEMETERY.

Part of Finn's Point reservation, and contains an area of 2½ acres. For title, see Finn's Point.

RED BANK.

This reservation contains an area of 100 acres, and is situated 8 miles below the City of Philadelphia, at Red Bank, on the east shore of the Delaware River in the township of West Deptford, Gloucester County. The title is as follows:

Deed from Benjamin P. Heritage and wife to the United States, dated May 16, 1872, conveying the above 100 acres. Deed recorded in Book N 5, page 219, etc., of the deed records of Gloucester County, at Woodbury.

Jurisdiction ceded to the United States by the following act of the State Legislature, approved March 12, 1873:

"1. *Be it enacted, etc.*, That the consent of the State be, and the same is hereby, given to the purchase by the United States, for the purpose of erecting thereon forts and other needful buildings, of a certain tract of land, containing one hundred acres, more or less, situated at Red Bank, on the east bank of the Delaware river, in the township of West Deptford, and county of Gloucester, in said State; being the same premises described by metes and bounds in a deed of conveyance of the same to the United States of America by Benjamin P. Heritage and Margaret, his wife, dated May sixteenth, one thousand eight hundred and seventy-two, and recorded in the clerk's office of said county, at Woodbury, in book N five of deeds, page two hundred and nineteen, and so forth."

SANDY HOOK (FORT HANCOCK).

This reservation contains an area of 1,366 acres and also a narrow strip of land connecting the peninsula with the mainland of Navesink Highlands, authorized to be purchased by Act of Congress approved July 23, 1892. The title is as follows:

1. Deed from Richard Hartshorn et al. to the United States, dated February 26, 1806, conveying Sandy Hook Point. Deed recorded in Book 2, folio 442, etc., of the deed records of Monmouth County.

2. Deed from Robert Hartshorn and wife to the United States, dated June 17, 1817, conveying the remainder of Sandy Hook. Deed recorded in Book A 2, folio 25, etc., of the deed records of Monmouth County.

3. Deed from "The Highland Beach Association" to the United States, dated July 27, 1892, conveying Lots 2 to 22, inclusive, and all riparian rights, etc., with right of way, etc. Deed recorded in Book 516, page 331, etc., of the deed records of Monmouth County. This deed excepts property of New Jersey Southern Railway Company.

4. Deed from "The Atlantic Highlands Association" to the United States, dated July 29, 1892, conveying Lot 1 and riparian rights, etc. Deed recorded in Book 516, page 327, etc., of the deed records of Monmouth County. This deed also excepts property of New Jersey Southern Railway Company.

5. Deed from The New Jersey Southern Railway Company to the United States, dated May 1, 1893, conveying the land reserved by above deeds aggregating 132,000 square feet, together with certain railroad property. Deed recorded in Book 520, page 252, etc., of the deed records of Monmouth County.

Jurisdiction was ceded to the United States by acts of the State Legislature approved November 16, 1790, March 12, 1846, and March 10, 1880, which provide as follows:

"SECTION 1. *Be it enacted by the Council and General Assembly of this State*, and it is hereby enacted by the authority of the same, that the

jurisdiction of this State in and over a lot of land situate at the point of Sandy Hook, in the County of Monmouth, containing 4 acres, on which a light-house and other buildings are erected, shall be, and the same is hereby, ceded to and vested in the United States of America forever hereafter." (Act of November 16, 1790.)

"1. *Be it enacted, etc.*, That the jurisdiction in and over all that portion of Sandy Hook, in the county of Monmouth, owned by the United States, lying north of an east-and-west line through the mouth of Youngs creek at low water, and extended across the island or cape of Sandy Hook from shore to shore, and bounded on all other sides by the sea and Sandy Hook bay, be, and the same is hereby ceded to the United States, for military purposes; and the said United States shall retain such jurisdiction so long as the said tract shall be applied to the military or public purposes of said United States, and no longer.

"2. *And be it enacted*, That the jurisdiction ceded in the first section of this Act, shall not prevent the execution on the said tract of land of any process, civil or criminal, under the authority of this State, except so far as such process may affect any of the real or personal property of the United States of America within the said tract; nor shall it prevent the operation of the public laws of this State within the bounds of the said tract, so far as the same may not be incompatible with the free use and enjoyment of the said premises by the United States for the purposes above specified.

"3. *And be it enacted*, That all the lands and tenements within the aforesaid boundaries, so long as the same shall continue the property of the United States, and be used for the purposes expressed in this act, shall be and remain exempted from all taxes, assessments, and other charges which may be imposed under the authority of this State." (Act of March 12, 1846.)

For act of the State Legislature approved March 10, 1880, see Dover Powder Depot.

NEW MEXICO.

FORT BAYARD.

This reservation contains 15 square miles and 520 acres. It is situated 2 miles from Halls, on the Silver City and Northern Railroad, in Grant County, and, being an unappropriated part of the public domain, was reserved for military purposes by Executive Order dated April 19, 1869, a Post having been established thereon August 21, 1866.

SANTA FE NATIONAL CEMETERY.

This reservation contains an area of 9.35 acres and is situated at Santa Fe, in Santa Fe County. The title is as follows:

1. Deed from John B. Laney, Bishop of Santa Fe, to the United States, dated July 2, 1870, conveying a tract by metes and bounds containing 16,900 square feet. Deed recorded in Book E, page 394, etc., of the deed records of Santa Fe County.

2. Deed from John B. Laney, Bishop of Santa Fe, to the United States, dated October 11, 1875, conveying 1.95 acres, with right of way, etc. Deed recorded in Book H, page 364, etc., of the deed records of Santa Fe County.

The above sale of cemetery property by the Bishop of Santa Fe was confirmed by an act of the Legislature of the Territory of New Mexico approved December 21, 1875.

FORT SUMNER NATIONAL CEMETERY.

This reservation contains about 320 acres and is situated in Guadaloupe County, in the NE. ¼ Sec. 15 and the NW. ¼ Sec. 14, T. 2, N. R. 26 E., on the left bank of the Pecos River. Was formerly a part of Fort Sumner military reservation and was reserved by Executive Order dated May 22, 1871, from the operation of the order restoring the reservation to the public domain.

FORT WINGATE.

This reservation contains an area of 130 square miles and is situated in Bernalillo County on the line of the Atlantic and Pacific Railroad, in Townships 13, 14, and 15, North of Ranges 15, 16, and 17 West of the New Mexico Principal Meridian. Taken from the public domain by Executive order, reserving 100 square miles for military purposes, dated February 18, 1871. Reservation enlarged by Executive order dated March 26, 1881, by adding 30 square miles for the purpose of supplying Post with timber, etc.

For jurisdiction see paragraph 2, Section 3, Article IV, Constitution of United States.

MEXICO.

MEXICO NATIONAL CEMETERY.

This burial site contains 2 acres and is situated near the City of Mexico, at San Cosme. The grounds were purchased pursuant to an act of Congress approved September 28, 1850, for a cemetery or burial ground for such officers and soldiers of the United States Army in the war with Mexico as fell in battle or died in and around said city, and for the interment of American citizens who have died or may die in said city. The title is as follows:

Deed from Don Manuel Loper to the United States of North America, dated June 26, 1851, conveying said tract. Deed recorded at the City of Mexico, and a copy placed on file in the United States Legation in that city.

NEW YORK.

ARSENAL ON BLOOMINGDALE ROAD.

This reservation contains 2 Acres 1 Rood and 3,090 square feet of land and is situated on the east line of the Bloomingdale road and south of Bailey Street within the corporate limits of the City of New York. The title is as follows:

Deed from The Mayor, Aldermen, and Commonalty of the City of New York to the United States, dated November 17, 1807. Deed recorded in the Clerk's Office of the City of New York in Liber No. 79, page 83.

Jurisdiction was ceded by deed of Commissioners appointed to execute the same by an act of the State Legislature entitled "An Act to cede the jurisdiction of certain lands in this State to the United States;" also by another act of said Legislature entitled "An Act supplemental to 'An Act to cede the jurisdiction of certain lands in this State to the United States,'" passed March 20, 1807. Deed of cession executed in duplicate, dated May 6, 1808, and recorded in the Office of the Secretary of State for the State of New York.

BATTERY, NEW YORK CITY.

The area of this property is indefinite. It is situated in the First Ward of New York City. The title is as follows:

Deed from the Mayor, Aldermen, and Commonalty of the City of New York to the United States, dated November 17, 1807, conveyed for the purpose of erecting fortifications for the defense of the port and harbor of New York. It includes a lot of ground and also water lot, vacant ground, and soil under water to be made land and gained out of the Hudson River. (See deed for description by metes and bounds.)

Deed recorded in the Clerk's Office for the City and County of New York, in Liber No. 79, page 79, etc.

For Jurisdiction, see Arsenal on Bloomingdale Road.

BEDLOE'S ISLAND.

This island contains an area of about 12 acres, and is situated in New York Harbor, on the western side of the channel of the upper bay, is about 1⅝ miles Southwest from the "Battery" at New York City, 2 miles from Governor's Island, and 1½ miles from the New Jersey shore. The Island is the site of Fort Wood, and also the "Statue of Liberty." Title is as follows:

By an Act of the State Legislature passed February 15, 1800, entitled "An Act to cede to the United States the jurisdiction of certain Islands situated in and about the harbor of New York," which provided as follows:

"*Be it enacted, etc.*, That the following islands, in and about the harbor of New York, and in and about the fortifying of which, this State hath heretofore expended or caused to be expended large sums of money, to wit, all that certain island called Bedlow's Island, bounded on all sides by the waters of Hudson river; all that certain island called Oyster island, bounded on all sides by the waters of the Hudson river; and all that certain island called Governor's island, on which Fort Jay is situate, bounded on all sides by the waters of East river and Hudson river, shall hereafter be subject to the jurisdiction of the United States: *Provided*, that this cession shall not extend to prevent the execution of any process, civil or criminal, issuing under the authority of this State, but that such process may be served and executed on the said islands, respectively, anything herein contained notwithstanding." (Passed February 15, 1800.)

That it was the intention of the Legislature by the above-recited Act to cede title as well as jurisdiction is clearly evident from the Act approved May 7, 1880, ceding certain lands covered with water, which is as follows:

"SECTION 1. All the right and title of the state of New York to the following described parcels of land covered with water, *adjacent and contiguous to the lands of the United States*, in the harbor of New York, at Governor's, Bedloe's, Ellis's, and David's Islands, and Forts Lafayette, Hamilton, Wadsworth (or Tompkins), and Schuyler, and jurisdiction over the same, are hereby released and ceded to the United States under article one, section eight, paragraph seventeen of the constitution, for the purpose of erecting and maintaining docks, wharves, boathouses, sea walls, batteries, and other needful structures and appurtenances. Said lands covered with water are bounded and described as

follows: * * * *Provided*, that jurisdiction hereby ceded shall continue no longer than the United States shall own said lands at Governor's, Bedloe's, Ellis's, and David's Islands, and at Forts Lafayette, Hamilton, Wadsworth, and Schuyler, and the adjacent lands covered with water, herein described and hereby released; *and provided, further*, that all civil and such criminal process as may lawfully issue under authority of this state may be served or executed over said released lands." (Passed May 7, 1880.)

Subsequent to the passage of the foregoing Act, to wit, May 26, 1880, the premises were granted and conveyed to the United States of America by the Governor of the State of New York, by letters patent, under the terms of the said Act, and with the limitations contained therein. Patent recorded May 26, 1880, in Book of Patents No. 44, page 604, etc., of the records of Patents in the office of the Secretary of State for the State of New York.

CYPRESS HILLS NATIONAL CEMETERY.

This reservation, established as a National Cemetery in 1862, comprises the upper and lower cemeteries, the former containing 2.75 acres and the latter 15.39 acres, making a total of 18.14 acres. It is situated at Brooklyn, on Long Island. The title is as follows:

1. Deed from the Cypress Hills Cemetery Corporation to the United States, dated March 29, 1870, conveying two plats in said cemetery. Deed recorded in the Clerk's Office for Queens County, in Liber 342, page 380.

2. Deed from Isaac Snediker and wife to the United States, dated May 22, 1884, conveying "upwards of 15 acres of land." Deed recorded in Register's Office Kings County, Liber 1569, page 318. Jurisdiction was ceded to the United States by an Act of the State Legislature passed April 2, 1884, which provides as follows:

"SECTION 1. The jurisdiction of this state over a certain piece or parcel of land, situate partly in the town of New Lots, Kings County, and partly in the town of Newtown, Queens County, containing fifteen and thirty-nine one-hundredths acres, an accurate description and plat of which, sworn to by an officer of the United States, has been deposited in the office of the secretary of the state of New York, is hereby ceded to the United States of America, for the purpose of establishing a national cemetery whenever said land shall be acquired by the United States: Provided, that this cession is upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over said land, when acquired as aforesaid, so far as that all civil and criminal process issuing under the authority of this state may be executed on said land in the same way and manner as if this act had not been passed; and exclusive jurisdiction shall revert to this state whenever said land shall cease to be the property of the United States.

"SEC. 2. The land aforesaid, when acquired, shall be forever exempt from all taxes and assessments so long as the same shall remain the property of the United States. (Passed April 2, 1884.)

DAVID'S ISLAND.

This reservation, which includes the entire Island, contains an area of about 86.50 acres; was purchased under authority of an Act of Con-

gress approved February 18, 1867, and is situated at the southwestern extremity of Long Island Sound, 2 miles from New Rochelle, Westchester County, and 22 miles from New York City. The title is as follows:

Deed from Simeon Leland and wife to the United States, dated May 11, 1867, conveying "David's Island," in New Rochelle, County of Westchester, reserving right of ferriage. Deed recorded in Book —, page —, of the deed records of Westchester County. Jurisdiction was ceded to the United States by an Act of the State Legislature approved April 20, 1868, which provides as follows:

"SECTION 1. Jurisdiction is hereby ceded to the United States over certain land situate in the harbor of New Rochelle, and known as David's Island, the same to be purchased and used by the United States for military purposes: *provided, however*, and this act is upon the express condition, that all civil and criminal processes issued under the authority of this state, or of any officer thereof, may be executed on said David's island, and in the buildings that are or may be erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. The said David's island, with the appurtenances, buildings, and other property that may be thereon, shall, as soon as it is acquired by the United States, and forever thereafter, as long as it remains the property of the United States, be exempt from all state, county, and municipal taxation and assessments, and provided also, that said island shall not be used for general hospital purposes." (Passed April 20, 1868.)

Jurisdiction as to water-covered lands was ceded by an Act of the State Legislature approved May 7, 1880, for which see Bedloe's Island, and thereafter, by Patent from the Governor of the State of New York, dated May 26, 1880, the title to and jurisdiction over the premises described in the Act of May 7, 1880, were granted and conveyed to the United States subject to the terms of the said Act and the limitations contained therein. Patent recorded May 26, 1880, in Book of Patents No. 44, page 604, etc., of the records of Patents in the Office of the Secretary of State for the State of New York.

GOVERNOR'S ISLAND (FORT COLUMBUS).

This reservation includes the whole Island and contains an area of 65.25 acres. It is situated in New York harbor at the junction of the Hudson and East Rivers and is about 2 miles from the City of New York. The title is as follows:

Governor's Island came into possession of the United States as a donation by an Act of the Legislature of the State of New York passed February 15, 1800. (See Bedloe's Island.) Prior to the American Revolution the island was a perquisite of the Colonial Governor, who was the representative of the King of England, but after the war became the property of the Colony and then of the State of New York. Jurisdiction as to lands covered with water contiguous to the Island was ceded to the United States by an Act of the State Legislature, approved May 7, 1880, for which see Bedloe's Island. By Patent from the Governor of the State of New York, dated May 26, 1880, the title to and jurisdiction over the premises described in the Act of May 7, 1880, were granted and conveyed to the United States subject to the terms of the said Act and the limitations contained therein. Patent

recorded May 26, 1880, in Book of Patents No. 44, page 604, etc., of the records of Patents in the office of the Secretary of State for the State of New York.

GREENBUSH.

This property embraces a tract of land containing 261.3 acres adjoining, and Lots 9 and 10 in the Town of Greenbush, in Rensselaer County. The title is as follows:

1. Deed from William Taber and wife to the United States, dated September 5, 1812, conveying Lot 26, containing 4,620 square feet, as shown on Van Allen's map of the Town of Greenbush. Deed recorded in the Secretary's Office for the State of New York in Liber M. R. R., page 476, etc.

2. Deed from James Russell et al. to the United States, dated September 16, 1812, conveying Lot No. 9, as shown on Van Allen's Map of the Town of Greenbush. Deed recorded in the Secretary's Office for the State of New York in Liber M. R. R., page 477, etc.

3. Deed of release from Henry Ward et al. to the President of the United States, his successors, etc., dated May 22, 1812, conveying 261.3 acres by metes and bounds. Recorded in the Secretary's Office for the State of New York in Liber —, page —.

4. Deed from Stephen Van Renssalear and wife to the United States, dated September 4, 1813, conveying 261.3 acres by metes and bounds as conveyed by above deed of Release, excepting 8 acres with improvements, and also excepting all mines, minerals, water rights, privileges, etc. Deed recorded in the Secretary's Office for the State of New York in Liber M. R. R., page 383, etc.

GREAT AND LITTLE GULL ISLANDS.

This reservation contains about 19 acres, and includes both Islands. They are situated in Long Island Sound, about 3 miles east northeast from Plum Island, in Suffolk County. Little Gull Island lies about half a mile east northeasterly from Great Gull Island. The title is as follows:

Deed from Benjamin Jerome to the United States, dated January 26, 1803, conveying said Islands "the same being intended for the erection of a Light-House and its accommodations." Deed recorded in Liber —, page 410, of the deed records of Suffolk County, February 22, 1803. Transferred by the Treasury Department to the War Department September 18, 1896, for purposes of national defense. Jurisdiction was ceded to the United States by an Act of the State Legislature, passed March 26, 1803, which reads as follows:

"Whereas the United States have purchased the Islands hereinafter mentioned for the purpose of erecting a Light-House on one of them; and

"Whereas it is meet and proper that the jurisdiction of this State in and over the said Islands should be made to the United States, under certain limitations, for the purpose aforesaid: Therefore,

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That the jurisdiction in and over all those two certain islands, situate in the County of Suffolk, commonly known by the names of Great Gull Island and Little Gull Island, bounded on all sides by the waters of the East River, shall be and hereby is ceded to the

United States of America: *Provided, nevertheless*, That such jurisdiction, so ceded as aforesaid, shall not extend or be construed to extend so as to impede or prevent the execution of any process, Civil or Criminal, under the authority of this State, except so far forth as such process may affect any of the real or personal property of the United States within the said Islands."

FORT HAMILTON.

This reservation contains an area of 166.887 acres and is situated on the southwest shore of Long Island 5½ miles south of New York City, commanding the "Narrows." The title is as follows:

1. Deed from The Mayor, Aldermen, and Commonality of the City of New York to the United States, dated May 30, 1814, conveying 60 acres 1 Rood and 6 perches of land in New Utrecht. Deed recorded in the Clerk's Office of Kings County, in Liber 11, page 171.

2. Deed from Julia Delaplaine to the United States, dated September 9, 1862, conveying 21 Acres 2 Roods and 25.789 perches of land in New Utrecht. Deed recorded in the Register's Office of Kings County, in Liber 585, page 157. Purchase made by authority of Act of Congress approved February 20, 1862. Confirmed by Act of June 23, 1874.

3. Deed from George S. Gelston and wife to the United States, dated March 24, 1852, conveying, by way of exchange, 11 Acres 3 Roods and 25 perches of land. Deed recorded in the Clerk's Office for Kings County, in Liber 275, page 267. Exchange made by authority of Act of Congress approved February 14, 1851.

4. Deed from the Town of New Utrecht to the United States, dated February 1, 1892, conveying all right, title, and interest in and to the Shore Road, Old County Road, Seventh Avenue, etc. Deed recorded in Register's Office for Kings County, Liber 2101, page 1.

5. Deed from The Dyker Meadow Land and Improvement Company to the United States, dated February 10, 1892, conveying 56.537 acres. Deed recorded in the Register's Office of Kings County, in Liber 2099, page 4.

6. Decree of Condemnation for the highways and lands described in the above conveyances from The Town of New Utrecht and the Dyker Meadow Land and Improvement Company, in the case of the United States *v.* The Dyker Meadow Land and Improvement Company and others in the District Court of the United States for the Eastern District of New York. Decree rendered at May term, 1891, and filed with the record of said cause in the Clerk's Office of said District Court.

7. Deed of Release from Manhattan Company of New York City to the United States, dated February 4, 1892, embracing 65.522 acres. Deed recorded in Liber 2099, page 13, of the deed records of the Register's Office for Kings County.

8 Deed of Release from J. Lott Nostrand to the United States, dated February 2, 1892, embracing 65.522 acres. Deed recorded in Liber 2099, page 10, of the deed records in the Register's Office for Kings County.

9. Deed of Release from Marie K. Flaherty to the United States, dated February 10, 1892, embracing 65.522 acres. Deed recorded in Liber 2099, page 6, of the deed records in the Register's Office for Kings County.

10. Release from Christian B. Morrison to the United States, February 18, 1863. Records of War Department. Accepted by the Secretary of War. Jurisdiction over the lands comprising this reservation

was ceded to the United States, as said lands were acquired from time time to time as follows:

(1) By an Act of the State Legislature passed March 20, 1807. (See Bedloe's Island.)

(2) By an Act of the State Legislature passed March 18, 1808. (See Bedloe's Island.)

Pursuant to the authority vested in them by the Acts of March 20, 1807, and March 18, 1808, the commissioners therein provided for executed this deed conveying the title to and jurisdiction over said lands. Deed dated November 6, 1812, and recorded in the Clerk's Office of the County of Kings in Liber 10, page 395, etc., of the deed records of said county.

(3) By an Act of the State Legislature passed November 27, 1824, as follows:

"Whereas by an act of Congress of the United States of America, relative to a fortification at the Narrows, in the harbor of New York, it has become necessary and proper that a cession of jurisdiction over certain lands in the town of New Utrecht should be made to the United States: therefore,

"I. *Be it enacted, etc.*, That the jurisdiction in and over all those certain tracts of land lying in said town of New Utrecht, in the county of Kings, within this State, the first of which is described as follows: Beginning * * * containing sixty acres, one rood and six perches of land; The second of which is bounded as follows: Beginning * * * containing sixteen acres and one-half acre of land; be, and the same is hereby ceded to the United States of America, for the purpose of erecting fortifications thereon: *Provided nevertheless*, That such jurisdiction so ceded as aforesaid, shall not extend or be construed to extend, so as to impede or prevent the execution of any process of law, civil or criminal, under the authority of this State, except so far forth as such process may affect any of the real or personal property of the United States of America within the said tracts of land; and that all the lands and tenements within the limits aforesaid shall be, and continue forever hereafter, exonerated and discharged from all taxes, assessments, and other charges which may be laid under the authority of this State."

(Secs. II, III, and IV provide for condemnation of the tract of 16½ acres. Passed November 27, 1824.)

(4) By an Act of the State Legislature passed April 17, 1826, which provides as follows:

"Whereas on a resurvey of the second parcel of land mentioned and described in the said act hereby amended (above act passed Nov. 27, 1824), it has been found that the Northern boundaries of said land did not embrace all the land wanted by the United States of America for the purpose of erecting fortifications thereon in the said town (of New Utrecht): Therefore,

"I. *Be it enacted, etc.*, That the jurisdiction in and over all that certain tract or parcel of land, included within the following boundaries not heretofore, by the said act hereby amended, vested in the said United States, beginning * * * containing seventeen acres, fourteen perches and one hundred and five yards of land, be and the same is hereby ceded to the United States of America, for the purpose of erecting fortifications thereon: *Provided nevertheless*, That such jurisdiction so ceded as aforesaid, shall not extend or be construed to extend so as to impede or prevent the execution of any process of law, civil or criminal, under the authority of this State, except so far forth as such

process may affect any of the real or personal property of the United States of America within the tract of land within which jurisdiction is vested as aforesaid; but that the said land shall be and continue forever hereafter exonerated and discharged from all taxes, assessments and other charges which may be laid under the authority of this State."

(Sections 2, 3 and 4 provide for condemnation of so much of the seventeen acres, fourteen perches, and one hundred and five yards of land, as are not included in the second parcel described in the act of November 27, 1824. Passed April 17, 1826.)

(5) By an Act of the State Legislature, passed April 18, 1861, which provides as follows:

"SEC. 7. Jurisdiction is also hereby ceded to the United States over so much land as may be necessary for the construction and maintenance of fortifications and their appurtenances, and over all the contiguous shores, flats, and waters within four hundred yards from low-water mark within this state, as the United States may now own or hereafter become owners of, by purchase or otherwise, not to exceed one hundred and fifty acres, the same to be selected by an authorized officer of the United States, approved by the governor, and the boundaries of the land selected, with such approval endorsed thereon, and a map thereof filed in the office of the Secretary of State, and by him recorded; *provided always*, and the assent aforesaid is granted upon this express condition, that this state shall retain a concurrent jurisdiction with the United States in and over the several tracts aforesaid, so far that all civil and such criminal process as may issue under authority of this state, against any person or persons charged with crimes committed within the bounds of this state, may be executed therein in the same manner as though this assent had not been granted, except so far as such process may affect the real or personal property of the United States.

"The foregoing shall be applicable only to the lands selected, approved, and owned as aforesaid, and a survey thereof filed and recorded as above provided.

"For the purpose of building and maintaining thereon batteries, forts, magazines, wharves and other necessary structures, with their appendages adjacent to Fort Hamilton, Kings County, Long Island."

(Sections 8, 9, 10, 11 and 12, as amended by act of February 20, 1862, provide for acquiring title by condemnation.)

"SEC. 13. The said property when acquired by the United States shall be and continue forever thereafter exonerated and discharged from all taxes, assessments, and other charges, which may be levied or imposed under the authority of this State; but the jurisdiction hereby ceded, and the exemption from taxation hereby granted, shall continue in respect to said property, and to each portion thereof, so long as the same shall remain the property of the United States, and be used for the purposes aforesaid, and no longer." (Passed April 18, 1861.)

(6) By an Act of the State Legislature, passed February 20, 1862, which provides as follows:

"SECTION 1. The last paragraph of the seventh section of the act entitled 'An Act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of Light-Houses, Keepers' Dwellings, and fortifications and their appurtenances,' passed April 18, 1861, is hereby amended so as to read as follows: For the purpose of building and maintaining thereon Batteries, Forts, Magazines, Wharfs, and other necessary structures, with their appendages, adjacent to Fort

Hamilton, Kings County, Long Island, and adjacent to Fort Tompkins, in the town of Southfield, County of Richmond, Staten Island.

"SEC. 2. The eighth section of the said Act shall be amended so as to read as follows:

"In case the United States shall desire to purchase any land selected in pursuance of the first and seventh sections of said act, or either of said sections, and shall be unable to agree for the purchase of the same it shall have the right to acquire title to the same, in the manner hereinafter prescribed, provided, however, that a due regard be had to the improvements and buildings on the same, the damage if any to the adjacent lands now belonging to the same owners, and that the title be acquired before the first day of January, eighteen hundred and sixty-three."

(Section 3 provides for the qualifications of Commissioners. Passed February 20, 1862.)

Jurisdiction over water-covered lands was ceded to the United States by an Act of the State Legislature passed May 7, 1880, for which see Bedloe's Island.

By patent from the Governor of the State of New York, dated May 26, 1880, the title to, and jurisdiction over, the premises described in the Act of May 7, 1880, were granted and conveyed to the United States subject to the terms of the said Act and the limitations contained therein. Patent recorded May 26, 1880, in Book of Patents No. 44, page 604, etc., of the records of patents in the Office of the Secretary of State for the State of New York.

By an Act of the State Legislature passed March 27, 1893, which provides as follows:

AN ACT to authorize the acquisition by the United States of two separate tracts of land in the County of Kings, State of New York, one situated near Fort Hamilton, Gravesend bay, New York, and the other upon Plumb Island, near eastern border of Sheepshead Bay, New York, to be used for the purpose of erecting and maintaining thereon fortifications for the defense of the southern entrance to New York Harbor.

"SECTION 1. The consent of the State of New York is hereby given to the acquisition by the United States, by purchase or by condemnation proceedings in conformity with the laws of this state, of one or more pieces of land, measuring in the aggregate not exceeding sixty acres, situate adjacent to and on the east side of the present military post of the United States at Fort Hamilton, Gravesend Bay, New York, and more particularly described as follows: [Here describes the tract by metes and bounds].

"The further consent of the state of New York is hereby given to the acquisition by the United States, by purchase or by condemnation proceedings in conformity with the laws of the state of New York, of a piece of land on Plumb Island near eastern border of Sheepshead Bay, New York, measuring fifty acres, more or less, taken from the eastern end of said island, and more particularly described as follows: [Here describes the tracts by metes and bounds]. Upon the lands so acquired near Fort Hamilton, and upon Plumb Island, the United States may erect fortifications, barracks, wharves and so forth, for the defense of the southern or main entrance to New York Harbor; and the United States shall have, hold, occupy and own the said lands when thus acquired, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

"SEC. 2. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to such land or lands by purchase or by condemnation in conformity with the laws of this state, nor until plats and descriptions of the land thus acquired shall have been filed in the office of the Secretary of State of the State of New York. Such

jurisdiction shall continue no longer than the United States shall own such land or lands, and such consent is given and jurisdiction ceded upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over such land or lands so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New York against any person or persons charged with crimes, misdemeanors, or criminal offenses committed within the state, may be executed thereon, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

"SEC. 3. So long as such land or lands thus acquired shall remain the property of the United States, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of the state. If the United States can not acquire the title to any such land or lands, or any part thereof, by purchase, they may acquire such title by condemnation by legal proceedings duly instituted for the purchase either in the state or the federal courts." (Passed March 27, 1893.)

FORT LAFAYETTE.

This reservation contains an area of about 2 acres of land with water rights. It is situated in New York Harbor, about 6 miles from Brooklyn, and commands, in part, the "Narrows." The title is as follows:

Title to and jurisdiction over the above lands ceded by acts of the State Legislature passed March 20, 1807, and March 18, 1808, for which see Bedloe's Island. Pursuant to the authority vested in them by the above cited acts, the Commissioners therein provided for executed their deed conveying title to and jurisdiction over said lands. Deed dated November 6, 1812, and recorded in the Clerk's Office of the County of Kings in Liber 10, page 395, etc., of the deed records of said County. (This deed embraces 30 acres 2 Roods and 30 Perches.) Jurisdiction over water-covered lands was ceded to the United States by an Act of the State Legislature passed May 7, 1880, for which see Bedloe's Island.

By Patent from the Governor of the State of New York, dated May 26, 1880, the title to and jurisdiction over the premises described in the Act of May 7, 1880. were granted and conveyed to the United States subject to the terms of the said Act and the limitations contained therein. Patent recorded May 26, 1880, in Book of Patents No. 44, page 604, etc., of the records of patents in the office of the Secretary of State for the State of New York.

MADISON BARRACKS (POST).

This reservation contains an area of about 90 acres and is situated on the South shore of Black River Bay, about 10 miles from Lake Ontario, adjoining the town of Sackett's Harbor in Jefferson County. The reservation purchased at various dates from 1813 to 1817 aggregated 39.25 acres, which was diminished by sales, etc., to 34.50 acres. Under authority of an Act of Congress approved March 2, 1889, amended by Act approved February 24, 1891, an addition of 52 acres was purchased. Additional land afterwards secured for a pumping station and right of way for water main. The title is as follows:

1. Deed from Samuel F. Hooker to the United States, dated July 1, 1813, conveying one-quarter of an acre and 11 poles of land. Deed recorded in Liber F, page 48, of the deed records of Jefferson County.

2. Deed from Edward Lee and wife to the United States, dated December 1, 1814, conveying 1,440 square feet of land. Deed recorded in Clerk's Office for Jefferson County.

3. Deed from Cornelius Ray et al. to the United States, dated April 3, 1815, conveying Lot 3, containing 12,000 square feet of land. Deed recorded in Clerk's Office for Jefferson County.

4. Deed from Edmund Luff and wife to the United States, dated May 4, 1816, conveying two tracts by metes and bounds. Deed recorded in Clerk's Office for Jefferson County.

5. Deed from Thomas Ludlow Ogden, Trustee, etc., to the United States, dated October 5, 1816, conveying 22 acres of land. Deed recorded in Book I, page 204, etc., of the records of deeds in the Clerk's Office for Jefferson County.

6. Deed from Thomas Ludlow Ogden, Trustee, etc., to the United States, dated March 28, 1817, conveying 10 acres of land. Deed recorded in Book K, page 15, etc., of the deed records in the Clerk's Office for Jefferson County.

7. Deed from Mary T. Mallaby et al. to the United States, dated August 31, 1891, conveying undivided one-half of 1 acre, etc. Deed recorded in Book 265, page 304, of the deed records in the Clerk's Office for Jefferson County.

8. Quitclaim deed from Col. R. J. Dodge to the United States, dated September 3, 1891, conveying several tracts embraced in seven several deeds executed to him as agent for the United States. Deed recorded in Book 265, page 173, of the records in the Clerk's Office for Jefferson County. The deeds to said Col. R. J. Dodge recorded in Book 265, page 169; Book 265, page 171; Book 264, page 317; Book 264, page 318; Book 264, page 319; Book 264, page 320, and Book 264, page 321, of the deed records in the Clerk's Office for said Jefferson County.

9. Deed from Ellen Stratton and husband to the United States, dated December 29, 1891, conveying a strip containing 18,000 square feet of land. Deed recorded in Liber 266, page 302, of the deed records in the Clerk's Office for said Jefferson County.

10. Deed from James C. Heath and wife to the United States, dated December 29, 1891, conveying 8 acres and a strip by the military road near Madison Barracks, both described by metes and bounds. Deed recorded in Liber 266, page 301, of the record of deeds in the Clerk's Office for said Jefferson County.

11. Deed from John Hamilton and wife to the United States, dated September 14, 1891, conveying two tracts described by metes and bounds. Deed recorded in Liber 266, page 300, of the deed records in the Clerk's Office for said Jefferson County.

12. Deed from Charles G. Gilmore and wife to the United States, dated February 23, 1893, conveying a site for Pumping Station. Deed recorded in Liber 272, page 135, of the deed records of Jefferson County.

13. Deed from William McLaughlin and wife to the United States, dated March 25, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 549, of the deed records of Jefferson County.

14. Deed from S. D. Lord and wife to the United States, dated March 25, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 548, of the deed records of Jefferson County.

15. Deed from Caroline McClary and husband to the United States, dated March 25, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 552, of the deed records of Jefferson County.

16. Deed from Dexter M. Dibble and wife to the United States, dated

March 25, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 542, of the deed records of Jefferson County.

17. Deed from Abbie Metcalf to the United States, dated March 25, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 544, of the deed records of Jefferson County.

18. Deed from Amanda M. Read and husband to the United States, dated March 25, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 545, of the deed records of Jefferson County.

19. Deed from David McKee to the United States, dated March 25, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 547, of the deed records of Jefferson County.

20. Deed from Margaret Eveleigh and husband to the United States, dated March 27, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 543, of the deed records of Jefferson County.

21. Deed from Henry J. Lane and wife to the United States, dated March 27, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 546, of the deed records of Jefferson County.

22. Deed from Charles W. Sloat et al. to the United States, dated March 29, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 541, of the deed records of Jefferson County.

23. Deed from Alice C. M. Henke and husband to the United States, dated March 29, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 540, of the deed records of Jefferson County.

24. Deed from Enetta A. Lewis et al., Administrators, etc., to the United States, dated April 1, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 551, of the deed records of Jefferson County.

25. Deed from Charles G. Gilmore and wife to the United States, dated April 6, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 550, of the deed records of Jefferson County.

26. Deed from William Stokes to the United States, dated April 7, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 539, of the deed records of Jefferson County.

27. Deed from Ellen Fralick and husband to the United States, dated April 14, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 555, of the deed records of Jefferson County.

28. Deed from Abel H. Bowe and wife to the United States, dated April 15, 1893, conveying right of way for water main. Deed recorded in Liber 272, page 135, of the deed records of Jefferson County.

29. Deed from John Parker and wife to the United States, dated April 17, 1893, conveying right of way for water main. Deed recorded in Liber 272, page 137, of the deed records of Jefferson County.

30. Deed from Mary A. Mason to the United States, dated April 17, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 136, of the deed records of Jefferson County.

31. Deed from Charles W. Sloat et al. to the United States, dated April 19, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 553, of the deed records of Jefferson County.

32. Deed from Walter B. Camp, Sur. Executor, etc., to the United States, dated April 27, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 554, of the deed records of Jefferson County.

33. Deed from Fredrick R. Farwell et al. to the United States, dated May 6, 1893, conveying right of way for water main. Deed recorded in Liber 271, page 538, of the deed records of Jefferson County.

Jurisdiction was ceded to the United States by Acts of the State Legislature passed March 7, 1846, and May 12, 1892, which acts provide as follows:

"SECTION 1. The consent of the State of New York is hereby given to the purchase by the United States of such lots of ground and tracts of land in or near the City of Buffalo, at or near the mouth of Genessee River, and at or near Sacketts Harbor, and also to the purchase of such island or islands in the river St. Lawrence between St. Regis and the Thousand Islands as the authorities or Government of the United States may select for the site of fortifications or defensive works at the points above designated, and the United States may have, hold, use occupy, and own said lots of land and such island or islands and exercise jurisdiction and control over the same subject to the restrictions hereinafter mentioned.

"SEC. 2. The jurisdiction of the State of New York in and over the said lands and island or islands mentioned in the last section shall be and the same is hereby ceded to the United States for the purpose of erecting fortifications and defensive works thereon.

"SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain a concurrent jurisdiction with the United States in and over the said tracts of land and island or islands so far as that all civil process in all cases and such criminal process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes committed without said tracts of land and island or islands may be executed thereon in the same way and manner as if such consent had not been given or jurisdiction ceded except so far as such process may affect the real or personal property of the United States.

"SEC. 4. The jurisdiction hereby ceded shall not vest in respect to any or either of such lots of land or islands until the United States shall have acquired title to the same either by purchase or in the manner hereinafter prescribed.

"SEC. 5. If the United States can not acquire the title to the said tracts of land and islands, or either of them by purchase the same may be taken and the damages may be ascertained and paid in the manner prescribed in the fourth article of the second title of chapter nine of the third part of the Revised Statutes and the same proceedings shall be had in all respects as are prescribed in the said article.

"SEC. 6. The said tracts of land and island or islands, when acquired by the United States by purchase or by proceedings under the last section shall be and continue forever thereafter exonerated and discharged from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State, but the jurisdiction hereby ceded and the exemption from taxation hereby granted shall continue in respect to said tracts of land or island or islands respectively so long as the same shall remain the property of the United States and no longer." (Passed March 7, 1846).

"SECTION 1. Consent is hereby given to the government of the United States of America to purchase and acquire such lands in the village of Sackett's Harbor, county of Jefferson, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings as it may deem necessary and on the property now owned or hereafter acquired under this act to which it has obtained title. The jurisdiction over the same shall vest in the said United States, but the jurisdiction hereby granted shall not impede or prevent the execution of any legal process, civil or criminal, issued under the authority of this State, except such as may affect the real or personal property of said United States.

"SEC. 2. The jurisdiction hereby granted shall cease whenever the said United States shall cease to occupy the said lands for the purposes aforesaid; but during such occupation, and no longer, said lands shall be exempt from all taxes and assessments or other charges under the authority of this State." (Approved May 12, 1892.)

To enable the United States to acquire the right of water supply for Madison Barracks and to cede the jurisdiction over such franchise to the United States the following act of the State Legislature was passed April 3, 1893:

"SECTION 1. Consent is hereby given to the government of the United States of America to purchase and acquire the right of way in the village of Sackett's Harbor, or town of Hounsefield, county of Jefferson, to carry water through pipes from the waters of Lake Ontario and Henderson Bay to Madison Barracks, for the water supply at that point of the military post of the United States, and to acquire the title of lands necessary for that purpose, or the right of way only. And the state of New York hereby ceded to the United States the right to lay such pipes under and along the highways of said state, provided the same are restored to as good condition as the same were in before such pipes were laid, and to enter upon said highway and keep the said pipes in repair, upon the same condition, and hereby concedes jurisdiction to the said United States over the lands and franchises which the United States has acquired for the purpose of such water supply, or may acquire pursuant to this act.

"SEC. 2. In case the United States can not agree for the purchase thereof with the owners of such lands and franchises as it may need for the purposes aforesaid, the Secretary of War of the United States, or such officer as he may appoint for that purpose, or any officer of the United States authorized by the government of the United States so to do, may proceed to obtain the said lands and franchises according to the condemnation laws of this state."

MADISON BARRACKS (STONY POINT TARGET RANGE).

This reservation contains an area of 805.91 acres, with a water lot of one-fourth of an acre, and was acquired under authority of an act of Congress approved August 6, 1894. It is situated at Stony Point, abou. 16 miles from Sackett's Harbor. Located for the use of Madison Barracks. The title is as follows:

1. Deed from Emily D. Wood to the United States, dated May 20, 1895, conveying 78 acres of land. Deed recorded in Liber 279, page 352, of the deed records of Jefferson County.

2. Deed from Peter Worthingham and wife to the United States, dated May 21, 1895, conveying 87.90 acres. Deed recorded in Liber 279, page 355, of the deed records of Jefferson County.

3. Deed from Birdsall Boyce and wife et al. to the United States, dated May 21, 1895, conveying 13.80 acres. Deed recorded in Liber 279, page 357, of the deed records of Jefferson County.

4. Deed from George H. Warner and wife to the United States, dated May 21, 1895, conveying 169 acres. Deed recorded in Liber 279, page 354, of the deed records of Jefferson County.

5. Deed from Halsey L. Irwin and wife to the United States, dated May 21, 1895, conveying 44.11 acres. Deed recorded in Liber 280, page 73, of the deed records of Jefferson County.

6. Deed from Asa W. Carter and wife to the United States. dated May 21, 1895, conveying 5 acres. Deed recorded in Liber 279, page 358, of the deed records of Jefferson County.

7. Deed from Lovilow Jackson to the United States, dated May 21, 1895, conveying 11.25 acres. Deed recorded in Liber 280, page 72, of the deed records of Jefferson County.

8. Deed from Payson F. Thompson and wife to the United States, dated May 22, 1895, conveying 6 acres. Deed recorded in Liber 279, page 359, of the deed records of Jefferson County.

9. Deed from Ezra J. Clark and wife to the United States, dated May 20, 1895, conveying 6 acres. Deed recorded in Liber 280, page 77, of the deed records of Jefferson County.

10. Deed from Heirs of Horace Clark to the United States, dated May 20, 1895, conveying 6 acres. Deed recorded in Liber 280, page 75, of the deed records of Jefferson County.

11. Deed from Heirs of Greene Clark to the United States, dated May 20, 1895, conveying 6 acres. Deed recorded in Liber 280, page 76, of the deed records of Jefferson County.

12. Deed from Hulburt Ingraham and wife to the United States, dated May 23, 1895, conveying 3 acres. Deed recorded in Liber 279, page 353, of the deed records of Jefferson County.

13. Deed from Payson F. Thompson and wife to the United States, dated May 22, 1895, conveying 138.50 acres. Deed recorded in Liber 280, page 71, of the deed records of Jefferson County.

14. Deed from F. A. Kilby and wife et al. to the United States, dated May 21, 1895, conveying 90.60 acres. Deed recorded in Liber 279, page 360, of the deed records of Jefferson County.

15. Deed from Heirs of Nathan Foreman to the United States, dated May 22, 1895, conveying 4.50 acres. Deed recorded in Liber 280, page 74, of the deed records of Jefferson County.

16. Deed from James L. McCumber and wife to the United States, dated May 21, 1895, conveying 154.25 acres. Deed recorded in Liber 280, page 71, of the records of Jefferson County.

For jurisdiction see Section 3 of Act of the State Legislature passed April 17, 1896, for which see Plumb Island, Suffolk County.

FORT MONTGOMERY.

This reservation contains about 600 acres of land and is situated north of and adjoining the village of Rouse's Point, on the western bank of Lake Champlain and near its outlet, in Clinton County. The title is as follows:

1. Deed from DeWitt Clinton, Governor of New York, to the United States, dated October 17, 1817, conveying Lots 61, 62, 63, 64, 65, and 66 of the "Refugee tract," aggregating 480 acres. Deed recorded in Liber F, page 9, etc., of the deed records of Clinton County.

2. Deed from John Warford and wife to the United States, dated November 18, 1817, conveying 9 acres 3 roods and 5 poles of land. Deed recorded in Liber F, page 13, etc., of the deed records of Clinton County.

3. Patent from the State of New York to the United States, dated May 15, 1818, conveying an Island in Lake Champlain near Rouse's Point; also land under water opposite Lots 61 to 66, inclusive. Deed recorded in Liber F, page 112, etc., of the deed records of Clinton County.

Jurisdiction ceded to the United States by acts of the State Legislature passed March 31, 1815, April 21, 1818, and April 21, 1840, which provide as follows:

"1. *Be it enacted, etc.*, That the person administering the government of this State, the lieutenant-governor, the Chancellor, the chief justice

of the supreme court, the secretary of state, the attorney-general, and the surveyor general, for the time being be, and they are hereby, appointed commissioners, with full power to them, or any four of them, whereof the person administering the government of this State, for the time being, shall always be one in their discretion, as they shall judge the safety and defence of the northern and western frontiers of this State to require, and in such manner and form as they shall judge necessary and proper, to declare the consent of the legislature of this State that such parcels of land as shall be purchased by the government of the United States, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings in the several counties of this State adjacent to the northern and western bounds thereof, and which they shall, from time to time, judge necessary for the purposes aforesaid, shall be subject to the jurisdiction of the United States, and thereupon the jurisdiction of the said lands shall be vested in the United States: *Provided, however*, That such cession or cessions shall not exceed five hundred acres, in any one of the said counties: *And provided further*, That such cession or cessions shall not in any case extend, or be deemed or construed to prevent the execution of any process, civil or criminal, under the authority of this State.

"II. *And be it further enacted*, That the powers vested in the Commissioners constituted by the act, entitled 'An act to cede the jurisdiction of certain lands in this State, to the United States,' passed March 20, 1807, be, and they are hereby extended to lands in the county of Westchester, and to lands covered with water within the bounds of said County: *Provided*, That cessions to be made by the Commissioners in the said act authorized and appointed shall be of such lands only as in their opinion shall be necessary for the defence and safety of the city and port of New York.

"III. *And be it further enacted*, That such declaration or declarations of the consent of the legislature of this State shall, in all cases, explicitly define, by accurate metes and bounds, the situation of the lands, the jurisdiction whereof shall be ceded in virtue of this act, which description shall be filed in the office of the Secretary of this State, and such declaration or declarations may, in addition to the restrictions and limitations prescribed by this act and the act above referred to, contain such other limitations, restrictions and qualifications as the said Commissioners respectively may deem expedient." (Passed March 31, 1815.)

"I. *Be it enacted, etc.*, That the commissioners of the land office of this State, be and they are hereby authorized and required to cede to the United States, the title and jurisdiction of this State to so much land on the Galloo island on lake Ontario, within this State, as they shall deem necessary for the purpose of erecting a light house thereon: *Provided always*, That the tract of land so granted shall not exceed five acres: *And provided further*, That such cession shall not impede or prevent the execution of any process at law under the authority of this State, except against the real or personal property of the government of the United States.

"II. *And be it further enacted*, That the property so ceded shall be, and hereafter is exonorated and discharged from any taxes which may be laid or imposed under the authority of the government of this State, while said lands shall remain the property of the Government of the United States, and while the same shall be appropriated to the purposes intended by this act, and not otherwise.

* * * * * * *

"VIII. *And be it further enacted*, That the Commissioners of the land office of this State be, and they are hereby authorized and required to cede to the United States the title and jurisdiction of this State to the small island near Rouse's point, on lake Champlain, called Island Point; also to the land under water opposite the same; also to the land under water in the said lake, opposite to lots number sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and sixty-six, adjoining the said Rouse's point, the title and jurisdiction of this State to which lots have heretofore been ceded to the United States; subject, however, to the like provisions and restrictions as are contained in the first and second sections of this act." (Passed April 21, 1818.)

Subsequent to the passage of the act of the State Legislature of April 21, 1818, the Commissioners appointed by the act of March 31, 1815, conveyed title to and ceded jurisdiction over the lands heretofore conveyed to the United States. Deed of cession recorded in Liber F, page 109, etc., of the deed records of Clinton County.

FORT NIAGARA.

This reservation contains an area of 288.50 acres, and is situated on the Niagara River at its junction with Lake Ontario, 14 miles below Niagara Falls, 7 miles from Lewiston, in Niagara County. The title is as follows:

1. Act of the State Legislature passed April 21, 1840, authorizing conveyance of title and cession of jurisdiction. See Infra; also Fort Montgomery.

2. Patent from the Governor of New York to the United States, dated July 8, 1841, conveying above site and ceding jurisdiction in accordance with the Act of April 21, 1840. Patent recorded in Book of Patents, No. 25, page 630, in the Office of the Secretary of State for the State of New York.

"SECTION 1. The commissioners of the land-office are hereby authorized to cede and convey to the United States of America the title of this state to the lands belonging to this state situate in the south village of Black Rock, between Lake street or Broadway and the easterly line of the Buffalo and Black Rock railroad, in said south village of Black Rock, or so much thereof as may be required by the United States of America, and necessary for the purpose of erecting and establishing a fort, battery, barracks, parade ground or military post; and also to the lands covered by Fort Niagara, and such others adjacent thereto as shall be necessary for the accommodation of that post.

"SEC. 2. The jurisdiction over such lands as shall be conveyed by virtue of the first section of this act, and such other lands adjacent as shall be purchased by the United States for the purpose mentioned in said first section; and over such lands as shall be purchased by the United States, and as are necessary as a site for a fort near the outlet of Lake Champlain, from and after the conveyance of such lands, and upon the execution thereof, shall be ceded to and vest in the United States of America. But such jurisdiction shall not impede the execution of any process, civil or criminal, issued under the authority of this state, except so far as such process may affect the real or personal property of the United States within the ceded territory.

"SEC. 3. The property over which jurisdiction is granted, by the second section of this act, shall be exonerated and discharged from all

taxes and assessments which may be levied or imposed under the authority of this state, while the said lands shall remain the property of the United States, and shall be used for the purpose intended by this act, and not otherwise.

"SEC. 4. Whenever the United States shall cease to occupy the said land, or any part thereof, for the purpose mentioned in the first section of this act, then said lands shall revert to the people of this state." (Passed April 21, 1840.)

(See Appendix, page 285.)

NORTH BATTERY.

This property contains an area of about 95,000 square feet, and is a water lot, situated in the Hudson River, in the Fifth Ward of the City of New York. The title is as follows:

Deed from the Mayor, Aldermen, and Commonalty of the City of New York to the United States, dated November 16, 1807, conveying the above premises. Deed recorded in the Clerk's Office for the City and County of New York, in Liber No. 79, page 86.

FORT ONTARIO.

This reservation contains an area of about 76 acres, and is situated on the Oswego River, at its junction with Lake Ontario, adjoining the City of Oswego, in Oswego County. The title is as follows:

Letters Patent from the Governor of the State of New York to the United States, dated August 15, 1839, conveying title to and jurisdiction over the lands embraced in said reservation by virtue of the authority given by an Act of the State Legislature passed April 25, 1839, which provides as follows:

"SECTION 1. The commissioners of the land office are hereby authorized to convey to the United States of America, the title of this state to all that parcel of land lying near the mouth of the Oswego river in Oswego county, known as the old fort, military and parade ground, containing fifty-four acres, be the same more or less, or so much thereof as may be required by the United States for the purpose of reestablishing the military post, of rebuilding the fort, redoubts, and barracks, and of improving the parade ground.

"SEC. 2. The jurisdiction over such land as may be conveyed by virtue of the first section of this act, from and after such conveyance, shall be ceded to the United States of America, for the purposes for which such land shall have been conveyed; such jurisdiction shall not be construed so as to prevent or impede the execution of any process, civil or criminal, under the authority of this state, except so far as such process may affect the real or personal property of the United States within the said parcel of land.

"SEC. 3. The property so ceded shall be exonerated and discharged from any taxes which may be imposed under the authority of this state while the said land shall remain the property of the United states, and while the same shall be appropriated to the purposes intended by this act and not otherwise.

"SEC. 4. Whenever the United States shall cease to occupy the aforesaid mentioned land for the purposes mentioned in the first section of this act, then said land shall revert to the people of this state." (Passed April 25, 1839.)

PLATTSBURG BARRACKS.

This reservation contains an area of 679.35 acres, and is situated on the west shore of Lake Champlain, at the town of Plattsburg, in Clinton County. The original reservation, comprising about 210 acres, was purchased about December 30, 1814, which was diminished by various grants to about 173 acres. Additional lands (506.35 acres) were acquired under act of Congress approved February 16, 1891. The title to the original reservation is as follows:

1. Deed from Pliny Moore and wife and Levi Platt and wife to the United States, dated December 30, 1814, conveying 200 acres of land. Deed recorded in Liber M. R. T., page 101, etc., of the records of deeds in the Secretary's Office for the State of New York. For jurisdiction over this portion of the reservation see Fort Montgomery for act of March 31, 1815. The records do not show that the Commissioners executed the deed provided for in said act. The title to the addition to the reservation is as follows:

2. Deed from William P. Mooers and wife to the United States, dated August 24, 1891, conveying 40 acres of land. Deed recorded in Vol. 88, page 420, of the deed records of Clinton County.

3. Deed from Patrick Flannigan and wife to the United States, dated August 27, 1891, conveying 8.66 acres of land. Deed recorded in Vol. 88, page 423, of the deed records of Clinton County.

4. Deed from Hugh Flannigan and wife to the United States, dated August 27, 1891, conveying 61 acres of land. Deed recorded in Vol. 88, page 424, of the deed records of Clinton County.

5. Deed from Oliver Sharron and wife to the United States, dated August 27, 1891, conveying 40.57 acres of land. Deed recorded in Vol. 88, page 425, of the deed records of Clinton County.

6. Deed from John Rice et al. to the United States, dated August 28, 1891, conveying 10.32 acres of land. Deed recorded in Vol. 88, page 945, etc., of the deed records of Clinton County.

7. Deed from Leonard J. Howard et al. to the United States, dated September 2, 1891, conveying the undivided five-sixths of 66.70 acres of land. Deed recorded in Vol. 88, page 953, etc., of the deed records of Clinton County.

8. Deed from David F. Dobie, Guardian, etc., to the United States, dated September 21, 1891, conveying the undivided one-sixth of 66.70 acres of land. Deed recorded in Vol. 88, page 955, etc., of the deed records of Clinton County.

9. Deed from William W. Hartwell and wife to the United States, dated September 25, 1891, conveying 4.52 acres of land. Deed recorded in Vol. 88, page 426, of the deed records of Clinton County.

10. Deed from William W. Hartwell and wife to the United States, dated October 1, 1891, conveying 138.10 acres of land. Deed recorded in Vol. 88, page 428, of the deed records of Clinton County.

11. Deed from Charles Thomas and wife to the United States, dated October 1, 1891, conveying 8.55 acres of land. Deed recorded in Vol. 88, page 422, of the deed records of Clinton County.

12. Decree of Condemnation for 6.10 acres of land in case of the United States, etc., *v.* Gervis G. Decora et al., in the United States District Court for the Northern District of New York. Decree rendered October 12, 1891, and filed with the record in said cause in the Clerk's Office of said Court.

13. Deed from John Dallaghan and wife to the United States, dated October 20, 1891, conveying 14.60 acres of land. Deed recorded in Vol. 88, page 947, of the deed records of Clinton County.

14. Deed from Eliza A. Carter and husband to the United States, dated November 28, 1891, conveying 32 acres of land. Deed recorded in Vol. 88, page 421, of the deed records of Clinton County.

15. Decree of Condemnation for 1.34 acres of land in the case of the United States *v.* Margaret Palmer et al., in the United States District Court for the Northern District of New York. Decree rendered February 9, 1892, and filed with the record in said cause in the Clerk's Office of said District Court.

16. Deed from Martha E. Bromley to the United States, dated September 30, 1891, conveying 79.21 acres of land. Deed recorded in Vol. 88, page 427, of the deed records of Clinton County.

17. Deed from Martha E. Bromley to the United States, dated April 7, 1892, conveying 79.21 acres of land (to correct error in deed of September 30, 1891). Deed recorded in Vol. 89, page 601, of the deed records of Clinton County.

Jurisdiction over the addition to the reservation was ceded to the United States by an Act of the State Legislature passed March 6, 1890, which provides as follows:

"SECTION 1. The consent of the State of New York is hereby given to the United States to acquire, by condemnation, purchase or gift, in conformity with the laws of this State, one or more pieces of land in the town of Plattsburgh, county of Clinton and State of New York, not to exceed in all one thousand acres, for military purposes for use as a parade ground, or for any military purposes connected with the United States military post at Plattsburgh, and the said United States shall have, hold, occupy and own said lands when thus acquired, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

"SEC. 2. The jurisdiction of the State of New York in and over the said land or lands mentioned in the foregoing section, when acquired by the United States, shall be, and the same hereby is, ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said lands.

"SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes or misdemeanors committed within said State, may be executed therein the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

"SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands, by gift, purchase or by condemnation, in conformity with the laws of this State, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this State."

PLUMB ISLAND (KINGS COUNTY).

This reservation contains an area of 50 acres, and is situated near the eastern border of Sheepshead Bay, being part of the east end of Plumb Island, in the town of Gravesend, in Kings County. The land was

acquired under the provisions of an Act of Congress approved August 18, 1890. The title is as follows:

1. Decree of condemnation for 50 acres of land in the case of the United States *v.* George H. Engeman, Trustee, etc., et al., in the United States District Court for the Eastern District of New York. Decree rendered July 7, 1891, and filed with the record in the Clerk's Office of said District Court.

2. Deed from George H. Engeman, Trustee, etc., et al., to the United States, dated September 17, 1891, conveying the above lands by metes and bounds. Deed recorded in Liber 2068, page 245, of the deed records of Kings County.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved March 27, 1893, which provides as follows:

"SECTION 1. The consent of the State of New York is hereby given to the acquisition by the United States, by purchase or by condemnation proceedings in conformity with the laws of this State, of one or more pieces of land, measuring in the aggregate not exceeding sixty acres, situated adjacent to and on the east side of the present military post of the United States at Fort Hamilton, Gravesend Bay, New York, and more particularly described as follows: [Here describes the land by metes and bounds.] The further consent of the State of New York is hereby given to the acquisition by the United States, by purchase or by condemnation proceedings in conformity with the laws of the State of New York, of a piece of land on Plumb Island, near eastern border of Sheepshead Bay, New York, measuring fifty acres, more or less, taken from the eastern end of said Island, and more particularly described as follows: [Here describes the lands by metes and bounds.] Upon the said lands so acquired near Fort Hamilton, and upon Plumb Island, the United States may erect fortifications, barracks, wharves and so forth, for the defence of the southern or main entrance to New York Harbor; and the United States shall have, hold, occupy, and own the said lands when thus acquired, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

"SEC. 2. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to such land or lands by purchase or by condemnation in conformity with the laws of this State, nor until plats and descriptions of the land thus acquired shall have been filed in the office of the Secretary of State of the State of New York. Such jurisdiction shall continue no longer than the United States shall own such land or lands, and such consent is given and jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over such land or lands so far as that all civil processes in all cases, and such criminal or other process as may issue under the laws or authority of the State of New York against any person or persons charged with crimes, misdemeanors, or criminal offenses committed within the State, may be executed thereon, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

"SEC. 3. So long as such land or lands thus acquired shall remain the property of the United States, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of the State. If the United States can not acquire title to any such land or lands, or

any part thereof, by purchase, they may acquire such title by condemnation by legal proceedings duly instituted for the purchase either in the State or the federal courts."

PLUMB ISLAND (SUFFOLK COUNTY).

This reservation contains an area of 150 acres of land, and is situated in Suffolk County, on Plumb Island, bounded north and west by Long Island Sound, and on the south by Gardiner's Bay, and a reservation belonging to the United States. The title is as follows:

Deed from Abram S. Hewitt and wife to the United States, dated February 24, 1897, conveying 150 acres of land. Deed recorded in Liber 456, page 81, of the deed records of Suffolk County.

Jurisdiction was ceded to the United States under an act of the State Legislature passed April 17, 1896, which provides as follows:

"SECTION 1. The consent of the State of New York is hereby given to the purchase by the government of the United States, and under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate within the boundaries of this State, situated upon or adjacent to the navigable waters thereof, for the purpose of erecting thereon light-houses, beacons, light-house keepers' dwellings, works for improving navigation, post-offices, custom-houses, fortifications, and all deeds, conveyances or other papers relating to the title thereof shall be recorded in the office of the register or County Clerk of the County where the said lands are situated.

"SEC. 2. Whenever the United States is desirous of purchasing or acquiring the title to any tract, piece or parcel of land within the boundaries of this State for any of the purposes aforesaid, and can not agree with the owner or owners thereof as to the purchase thereof, or if the owners of any of said lands are unknown, infants, of unsound mind, or nonresidents, or if for any other reason a perfect title can not be made to said lands, or any part thereof, the United States, by any agent authorized under the hand and seal of any head of an executive department of the government of the United States, is authorized to apply to the Supreme Court of the State, in and for the county within which the said lands are situated, to have the said lands condemned for the use and benefit of the United States, under the provisions of the statutes of this State applying to condemnation of lands.

"SEC. 3. Whenever the United States, by any agent authorized under the hand and seal of any head of an executive department of the government of the United States, shall cause to be filed and recorded in the office of the Secretary of State of the State of New York, certified copies of the record or transfer to the United States of any tracts or parcels of land within this State, which have been acquired by the United States for any of the purposes aforesaid, together with maps or plats and descriptions of such lands by metes and bounds, and a certificate of the Attorney-General of the United States that the United States is in possession of said lands and premises for either of the works or purposes aforesaid, under a clear and complete title, the governor of this State is authorized, if he deems it proper, to execute in duplicate, in the name of the State and under its great seal, a deed or release of the State, ceding to the United States the jurisdiction of said tracts or parcels of land as hereinafter provided.

"SEC. 4. The said jurisdiction so ceded shall be upon the express

condition that the State of New York shall retain a concurrent jurisdiction with the United States on and over the property as premises so conveyed, so far as that all civil and criminal process which may issue under the laws or authority of the State of New York may be executed thereon in the same way and manner as if such jurisdiction had not been ceded, except so far as such process may affect the real or personal property of the United States.

"SEC. 5. The said property shall be and continue forever thereafter exonerated and discharged from all taxes, assessments and other charges, which may be levied or imposed under the authority of this State; but the jurisdiction hereby ceded and the exemption from taxation hereby granted, shall continue in respect to said property so long as the same shall remain the property of the United States and be used for the purposes aforesaid, and no longer.

"SEC. 6. One of the deeds or leases so executed in duplicate shall be delivered to the duly authorized agent of the United States, and the other deed or release shall be filed and recorded in the office of the Secretary of State of the State of New York; and said deed or release shall become valid and effectual only upon such filing and recording in said office.

"SEC. 7. The Secretary of State shall cause to be printed in the session laws of the year succeeding the filing in his office of said deed, a statement of the date of the application of the United States for said deed and a copy of the description of the lands so conveyed or ceded, together with the date of recording of said deed in the office of the said Secretary of State.

"SEC. 8. This act shall not apply to the County of Orange."

In accordance with the provisions of the foregoing recited act of the Legislature, the Governor of the State of New York did, by deed dated September 14, 1897, cede, grant and release to the United States the jurisdiction of the State of New York on and over the tract of land on Plumb Island described in the foregoing, subject to the terms and conditions of said act.

The duplicate of the deed was filed and recorded in the Office of the Secretary of State of the State of New York September 14, 1897.

FORT PORTER.

This reservation contains an area of 28.50 acres of land, and is situated on the Niagara River, within the limits of the City of Buffalo, in Erie County. The title is as follows:

1. Deed from Matthias Bruen to the United States, dated August 3, 1842, conveying the North third part of Block 167, in the village of Black Rock. Deed recorded in Liber 68, page 67, etc., of the deed records of Erie County.

2. Deed from Samuel K. Kip, Master in Chancery, to the United States, dated May 21, 1842, conveying the southerly and middle third parts of Block 167, in the village of Black Rock. Deed recorded in Liber 61, page 379, of the deed records of Erie County.

3. Deed of release from Emily B. McKay to the United States, dated August 1, 1842, conveying right of dower, etc., in Lot 167, above conveyed. Deed recorded in Liber 68, page 58, of the deed records of Erie County.

4. Quit-Claim deed from Ebenezer Walden and wife to the United States, dated August 1, 1842, conveying all interest in above Lot 167, etc. Deed recorded in Liber 68, page 38, of the deed records of Erie County.

5. Deed from Christian Miller and wife et al. to the United States, dated April 15, 1842, conveying Block No. 168, in the village of Black Rock. Deed recorded in Liber 68, page 38, of the deed records of Erie County.

6. Decree of condemnation for Block 186, in the village of Black Rock, in the case of the United States *v.* Peter B. Porter et al., in a court of Chancery held for the State of New York, at Saratoga, August 5, 1842. Decree rendered on said date and filed with the record in the Register's Office of said court, and recorded January 4, 1843.

Title to a portion of the lands acquired by deed and jurisdiction over all was ceded to the United States by Acts of the State Legislature passed April 21, 1840; February 28, 1842; April 12, 1842, and February 9, 1844, as follows:

(For Act of April 21, 1840, see Fort Montgomery.)

"SECTION 1. The commissioners of the land office are hereby authorized to cede to the United States of America the title of this state to the point of land belonging to this state, situate in the south village of Black Rock, lying north of block one hundred and thirty-three (133) and between the Erie canal and Black Rock harbor, provided the same may be required by the United States for military purposes; reserving a free and uninterrupted use and control in the canal commissioners of all that may be necessary for canal and harbor purposes.

"SEC. 2. The jurisdiction over such lands as may be conveyed by virtue of the first section of this act, and such other lands as shall be purchased by the United States for the purpose of erecting a fort, battery or other military works thereon, adjacent to, or in the vicinity of the lands owned by the United States, and occupied by the light-house in the city of Buffalo, shall be ceded to and vested in the United States; subject to such conditions and restrictions as are imposed by the act hereby amended." (Above act of April 21, 1840. Passed February 28, 1842.)

"SECTION 1. The consent of the legislature of this state is hereby given to the United States taking for the site of barracks and defensive works at or near Buffalo, so much of blocks numbers 167, 168, and 186 in the south village of Black Rock as shall be deemed necessary for the purpose, upon just and full compensation being provided for the owners thereof in the manner prescribed in the fourth article and second title of the ninth chapter and third part of the Revised Statutes; but the consent so given shall not impede the execution of any process, civil or criminal issued under the authority of this state, except so far as such process may affect the real or personal property of the United States within the said territory." (Passed April 12, 1842.)

"SECTION 1. The commissioners of the land office are hereby authorized to cede and convey to the United States of America the title of this state to certain lands belonging to this state, in the south village of Black Rock, in the county of Erie, which are bounded and described as follows: Beginning at the northeast corner of Connecticut street and the Buffalo and Black Rock railroad, thence first in a northwesterly and next in a northerly direction along the easterly side of said railroad, to a short street leading from said railroad to Massachusetts street; thence along the south side of said short street to Broadway; thence along the west side of Broadway to Fifth street; thence along the southwest side of Fifth street to Rhode Island street; thence along the southeast side of Rhode Island street to Broadway; thence along the west side of Broadway to Fourth street; thence along the southwest side of Fourth street to Connecticut street; thence along

the northwest side of Connecticut street to the place of beginning; or so much thereof as may be required by the United States of America, and necessary for the purpose of erecting and establishing a fort, battery, barracks, parade ground, or military post; provided, always, that this state shall have the right to quarry, carry off, and use, for public purposes, the stone on the southwest side of the reserve, called the 'Military square,' and of the reserve immediately north thereof, until the bank shall have been penetrated by such quarrying to within fifty feet of the southwest side of Fourth street; the United States of America being allowed to quarry, carry off and use so much stone in said quarry as may be deemed necessary for the construction of the contemplated defences, together with all the buildings and other erections that may be connected therewith.

"SEC. 2. The jurisdiction over such land, the title of which shall be acquired by the United States pursuant to the first section of this act, or has been acquired under any law authorizing proceedings in the nature of a writ *ad quod damnum*, or by purchase from individuals of lands lying in the city of Buffalo and in the village of Black Rock, and over all those streets, lanes and alleys, lying between blocks number one hundred eighty-six, one hundred sixty-seven, and one hundred sixty-eight, in said village, and between one and all of said blocks and the premises described in the first section of this act, which are or may hereafter be closed, or discontinued by law, for the purpose of establishing a fort, battery, barracks, parade-ground or military post, at or near Buffalo, shall be ceded to and vest in the United States of America. But such jurisdiction shall not impede the execution of any civil or criminal process issued under the authority of this state, except so far as such process may affect the real or personal property of the United States within the ceded territory.

"SEC. 3. The property, over which jurisdiction is granted by the first section of this act, shall be exonerated and discharged from all taxes and assessment which may be levied or imposed under the authority of this state, while the said land shall remain the property of the United States, and shall be used for the purpose intended by this act, and not otherwise.

"SEC. 4. Whenever the United States shall cease to occupy the said land or any part thereof, for the purpose mentioned in the first section of this act, then said lands shall revert to the people of this state." (Passed February 9, 1844.)

In accordance with the Act of April 21, 1840, as amended by the Act of February 28, 1844, and also the Act of February 9, 1844, cited above, the Governor of the State of New York, by letters patent, ceded title to a portion of the foregoing lands, and jurisdiction over all of them. Patent dated October 17, 1853, and recorded in the Secretary's Office of the State of New York October 17, 1853, in Book of Patents No. 34, page 322.

Board of Trustees of the Village of Black Rock, in Erie County, to the United States, certain streets for the use of the military post. Resolution passed November 22, 1842, and recorded in the Clerk's Office of said village.

The pioneer act, providing for the acquisition of lands at Black Rock by the United States for the establishment of a military post, was passed by the State Legislature March 19, 1802, and is in part as follows:

"Whereas it is necessary that a treaty be held with the Seneca Nation of Indians to extinguish their claim to lands east of Lake Erie,

to enable this state to cede their jurisdiction or sell to the United States a sufficient quantity of the said land at the eastern extremity of Lake Erie, at a place called Black Rock, as may be sufficient for the establishment of a military post: Therefore

"1. *Be it enacted, etc.*, That it shall and may be lawful for the person administering the government of this state, or his agent or agents, to hold a treaty (on the part of the people of this state) with the Seneca nation of Indians, to extinguish their claim to the whole or such part of their lands at the east end of Lake Erie, of one mile wide, on Niagara River, from Buffaloes-Creek to Stedman's farm, including Black Rock, with so much land adjoining as shall be sufficient for establishing a military post, on such payments and annuities as he or they shall judge most conducive to the interests of this state.

"2. That it shall and may be lawful for the person administering the government of this state, for and on behalf of this state, to convey to the United States, after the relinquishment of the claim of the said Indians as aforesaid, in fee simple, such part of the said land, at the eastern extremity of Lake Erie, at a place called Black Rock, as may be sufficient for the establishment of a military post, the United States paying therefor, the expense of holding the said treaty, or such part thereof as the person administering the government of this State shall judge reasonable: *Provided always*, That nothing in the foregoing grant to the United States shall be construed so as to prejudice the right of portage of the people of this State along the said river through the tract of land which may be so conveyed, and the privilege of a road along the shore of Lake Erie, and of a ferry across the Niagara River at Black Rock: *And Provided further*, That such conveyance shall in no wise prevent the execution of any process, civil or criminal, issuing under the authority of this State within the bounds of the land so to be conveyed, and such conveyance shall expressly contain such condition."

SEC. 3. Providing for the purchase of the Cayuga and Onondaga reservation lands,

SEC. 4. Providing for drawing money from the State Treasury for above purposes, and

SEC. 5. Providing for granting certain lands to Jasper Parish and Horatio Jones are omitted here.

(See Appendix, page 310.)

OLD PRODUCE EXCHANGE BUILDING AND SITE.

This property was purchased for Army purposes under the provisions of an Act of Congress approved February 2, 1886; is situated in the city of New York, and bounded by Whitehall, Pearl, Moore, and Water Streets. The title is as follows:

Deed from the New York Produce Exchange to the United States, dated March 27, 1886, conveying the above property, and recorded in the Office of the Register of the City and County of New York in Liber 1955, page 73.

Jurisdiction was ceded to the United States by an act of the State Legislature, passed March 10, 1886, which provides as follows:

"SECTION 1. The consent of the state of New York is hereby given to the acquisition by the United States by purchase, in conformity with the laws of the state of New York, of certain land and grounds situate in the city of New York, bounded by Whitehall, Pearl, Moore, and Water streets, together with the building thereon known as the Old

Produce Exchange; and the said United States shall have, hold, occupy and own the said lands when thus acquired and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereafter mentioned.

"SEC. 2. The jurisdiction of the state of New York, in and over the said lands mentioned in the foregoing section, when acquired by the United States, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said lands.

"SEC. 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the said land or lands so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New York against any person or persons charged with crimes or misdemeanors committed within the state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

"SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or condemnation in conformity with the laws of this state and so long as said land or lands shall remain the property of the United States when acquired as aforesaid, and no longer; the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the state." (Passed March 10, 1886.)

SAG HARBOR.

This reserve contains an area of about 3,100 square feet, and is situated at Sag Harbor, on Long Island, in the County of Suffolk. The title is as follows:

1. Deed from Thomas S. Lester to the United States, dated May 16, 1810, conveying about 3,000 square feet of land. Deed recorded in Liber D, page 182, of the deed records of Suffolk County.

2. Deed from Henry P. Dering and wife to the United States, dated November 11, 1811, conveying 100 square feet of land. Deed recorded ———.

FORT SCHUYLER.

This reservation contains an area of 52 acres, also a right of way, and is situated in West Chester County on Throg's Neck, 3½ miles from West Chester, and 17 miles from New York City. The title is as follows:

1. Deed from William Bayard et al. to the United States, dated July 26, 1826, conveying 52 acres of land. Deed recorded in Book No. 28, page 225, etc., of the deed records of West Chester County.

2. Deed from Thomas Bolton, Master in Chancery, et al. to the United States, dated August 25, 1828, conveying said land. Deed recorded in Liber 33 of Deeds, page 296, etc., in the Clerk's Office of Westchester County.

3. Deed of Release from H. LeRoy et al., Guardians, etc., to the United States, dated November 14, 1826, conveying said tract. Deed recorded in Book 28, page 221, etc., of the deed records of Westchester County.

4. Deed from H. LeRoy et al. to the United States, dated April 10, 1837, conveying right of way from West Chester to White Stone Ferry. Deed recorded in Liber 72, page 466, etc., of the deed records of Westchester County.

5. Deed from George Edwards and wife et al. to the United States, dated April 8, 1837, conveying right of way from West Chester to White Stone Ferry. Deed recorded in Liber 72, page 461, etc., of the deed records of Westchester County.

6. Deed from Thomas H. Newbold to the United States, dated April 10, 1837, conveying right of way from West Chester to White Stone Ferry. Deed recorded in Liber 72, page 467, etc., of the deed records of Westchester County.

Provision was made for ceding jurisdiction to the United States by an Act of the State Legislature, passed March 31, 1815, for which see Fort Montgomery.

Jurisdiction over water-covered land was ceded by an Act of the State Legislature, passed May 7, 1880, for which see Bedloe's Island.

By patent from the Governor of the State of New York, dated May 26, 1880, the title to and jurisdiction over the premises described in the Act of May 7, 1880, were granted and conveyed to the United States, subject to the terms of said act and the limitations contained therein. Patent recorded May 26, 1880, in Book of Patents No. 44, page 604, etc., of the records of Patents in the Office of the Secretary of State for the State of New York.

See also Section 3, Act of the State Legislature, passed April 17, 1896, as set out with Plum Island, Suffolk County, reservation data.

FORT WADSWORTH.

This reservation contains an area of about 200 acres, and is situated on Staten Island, in Richmond County. The title is as follows:

1. Letters Patent from the State of New York to the United States, dated February 15, 1847, conveying 47.50 acres of land, together with the water front and lands under water; also ceding jurisdiction over the lands so conveyed. Patent recorded in Liber 15, page 266, etc., of the deed records of Richmond County.

2. Deed from Peter Jacobson and wife to the United States, dated July 8, 1854, conveying 5.2 acres of land. Deed recorded in Liber 34, page 628, etc., of the deed records of Richmond County.

3. Deed from William H. Aspinwall and wife to the United States, dated May 8, 1856, conveying a tract of land by metes and bounds. Deed recorded in Liber 40, page 404, etc., of the deed records of Richmond County.

4. Decree of condemnation for 7.58 acres of land in the case of The United States *v.* J. J. Alexandre and wife in the United States District Court for the Eastern District of New York. Decree rendered November 25, 1892, and filed with the record in the office of the Clerk of said District Court.

5. Deed from J. J. Alexandre and wife to the United States, dated January 5, 1893, conveying same premises. Deed recorded in Liber 223, page 438, of the deed records of Richmond County.

6. Decree of Condemnation for 18.797 acres of land in the case of The United States *v.* J. H. Alexandre and wife in the United States District Court for the Eastern District of New York. Decree rendered November 25, 1892, and filed with the record in the office of the Clerk of said District Court.

7. Deed from J. H. Alexandre and wife to the United States, dated January 5, 1893, conveying same premises. Deed recorded in Liber 223, page 435, of the deed records of Richmond County.

8. Decree of Condemnation for 9 acres of land in the case of The United States *v.* Ellen Lee Mayo in the United States District Court for the Eastern District of New York. Decree rendered November 25, 1892, and filed with the record in the office of the Clerk of said District Court.

9. Deed from Ellen Lee Mayo to the United States, dated January 5, 1893, conveying same premises. Deed recorded in Liber 225, page 381, of the deed records of Richmond County.

10. Decree of Condemnation for 50 acres of land, exclusive of certain streets, in case of The United States *v.* Serena P. Appleton, in the United States District Court for the Eastern District of New York. Decree rendered November 25, 1892, and filed with the record in the office of the Clerk of said District Court.

11. Deed from Serena P. Appleton to the United States, dated January 5, 1893, conveying 50 acres of land, exclusive of certain streets. Deed recorded in Liber 223, page 431, of the deed records of Richmond County.

12. Deed from Josefa de la Serna de Hegewisch and husband to the United States, dated March 14, 1892, conveying certain lands, etc., by metes and bounds. Deed recorded in Liber 216, page 534, of the deed records of Richmond County.

13. Deed from Adolfo Hegewisch and wife to the United States, dated March 14, 1892, conveying certain lands, etc., by metes and bounds. Deed recorded in Liber 216, page 538, of the deed records of Richmond County.

14. Deed from Sarah Schuyler Martin to the United States, dated February 1, 1895, conveying 6.25 acres of land. Deed recorded in Liber 240, page 374, of the deed records of Richmond County.

Jurisdiction of the first described purchase was authorized to be ceded with title by an Act of the State Legislature, passed February 6, 1836, which provides as follows:

"SECTION 1. The commissioners of the land office are hereby authorized to sell to the United States of America, upon such terms as they may think proper, so much of the land upon Staten island belonging to the state of New York, heretofore used for military purposes, as may be required by the government of the United States to construct and maintain proper defences for the protection of the harbor of New York.

"SEC. 2. The jurisdiction over such land as may be sold by virtue of the first section of this act, from and after such sale, shall be ceded to the United States of America, for the purposes for which such land shall have been sold. But such jurisdiction shall not be construed so as to prevent or impede the execution of any process, civil or criminal, under the authority of this state, except so far as such process may affect the real or personal property of the United States within the said tract of land." (Passed February 6, 1836.)

For deed, in pursuance of said Act, see No. 1 herein ("Letters Patent from the State of New York, etc.," February 15, 1847).

Jurisdiction was also ceded by acts of the State Legislature, passed April 15, 1857; April 18, 1861; February 20, 1862; for water-covered lands May 7, 1880; for additional lands May 6, 1893, and February 14, 1896, which acts provide as follows:

"SECTION 1. The consent of the state of New York is hereby given to the purchase by the United States of all and each and every tract of

land on the island of Long island, in the county of Queens, in a direction opposite Fort Schuyler, East river, that may be acquired by the United States, and that shall be necessary (under the appropriation by congress of March third, eighteen hundred and fifty-seven, for the commencement of a fort opposite Fort Schuyler, New York) for the purpose of building and maintaining thereon forts, magazines, dock yards, wharves, and other necessary structures, with their appendages, and over all the contiguous shores, flats and waters within four hundred feet from low-water mark, and in case the owners of the said land shall not consent to sell the same on such terms as the United States may deem equitable, the consent of the legislature is hereby given to the United States taking the same for the purpose aforesaid, upon just and full compensation being provided for the owners thereof in the manner prescribed in the fourth article and second title of the ninth chapter and third part of the Revised Statutes; and all right, title, and claim which this state may have to or in the premises aforesaid is hereby granted to the United States, subject to the restrictions hereinafter mentioned.

"SEC. 2. The consent of the state of New York is also hereby given to the purchase, by the United States, of all, each and every portion of that tract of land on Staten island, in the county of Richmond, New York, now owned by William H. Aspinwall, who is to convey the same to the United States; said land lying mainly between the land of the United States and New York avenue, for the purpose of building and maintaining thereon forts, magazines, arsenals, and other necessary structures, with their appendages.

"SEC. 3. The jurisdiction of the state of New York, in and over the said property referred to and set forth in the first and second sections hereof, shall be, and the same is hereby, ceded to the United States, subject to the restrictions hereinafter mentioned.

"SEC. 4. The said consent is given, and the said jurisdiction ceded upon the express condition that the state of New York shall retain a concurrent jurisdiction with the United States in and over the said property, so far as that all civil, criminal and other process, which may issue under the laws or authority of the state of New York, may be executed thereon, in the same way and manner as if such consent had not been given, or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

"SEC. 5. The jurisdiction hereby ceded shall not vest in any respect to any portion of said property until the United States shall have acquired the title thereto, by purchase or otherwise.

"SEC. 6. The said property, when acquired by the United States, shall be and continue forever thereafter exonerated and discharged from all taxes, assessments, and other charges, which may be levied or imposed under the authority of this state; but the jurisdiction hereby ceded, and the exemption from taxation hereby granted, shall continue in respect to said property, and to each portion thereof, so long as the same shall remain the property of the United States, and be used for the purposes aforesaid, and no longer." (Passed April 15, 1857.)

For Act of the State Legislature, passed April 18, 1861, see Fort Hamilton.

"SECTION 1. The last paragraph of the seventh section of the act entitled * * * (above Act of April 18, 1861) is hereby amended so as to read as follows: For the purpose of building and maintaining thereon batteries, forts, magazines, wharfs, and other necessary structures, with their appendages, adjacent to Fort Hamilton, Kings County,

Long Island, and adjacent to Fort Tompkins, in the town of Southfield, county of Richmond, Staten Island." (Passed February 20, 1862.)

See also Fort Hamilton for Act of February 20, 1862, as to condemnation proceedings.

For jurisdiction over water-covered lands, see Act of the State Legislature passed May 7, 1880, as set out under caption of "Bedloe's Island."

By Patent from the Governor of the State of New York, dated May 26, 1880, title to and jurisdiction over the premises described in the Act of May 7, 1880, were granted and conveyed to the United States, subject to the terms of the said act and the limitations contained therein. Patent recorded May 26, 1880, in Book of Patents No. 44, page 604, etc., of the records of Patents in the Office of the Secretary of State for the State of New York.

Jurisdiction over the additional lands was ceded to the United States by acts of the State Legislature, passed May 26, 1893, and February 14, 1896, which acts provide as follows:

"SECTION 1. The consent of the State of New York is hereby given to the acquisition by the United States of the following described tracts or parcels of land upon the payment of the taxes now due thereon, namely: All those certain tracts or parcels of land, situated, lying and being in the village of Edgewater, in the town of Southfield, in the County of Richmond, and State of New York, adjacent to the military reservation of Fort Wadsworth, on Staten Island, as follows, to wit: One certain tract of land containing about fourteen acres, and the land and land under water lying in front thereof, and between ordinary high-water mark of New York bay and the pier and bulkhead line established by the United States, and four certain adjacent tracts of land, containing in the aggregate about eighty-two acres, and about four and eight hundred and fifty-five one-thousandths acres of land and land under water, lying in front of that portion thereof that borders on the shore of New York bay, and between ordinary high-water mark of said New York bay and the pier and bulkhead line established by the United States; and it is hereby provided that the United States may erect fortifications, barracks, and other public buildings thereupon for the defense of New York harbor; and the United States shall have, hold and occupy said lands thus acquired, and shall exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

"SEC. 2. The jurisdiction hereby ceded shall vest when plats and descriptions of the said lands thus acquired, shall have been filed in the office of the Secretary of State of the State of New York; such jurisdiction shall continue no longer than the United States shall own such lands, and such consent is given and jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over such lands, so far as that all civil and criminal process, duly issued under the laws of said State, for acts done or offenses committed within said State, may be freely and fully executed on and within the said lands, except so far as such processes may affect the real or personal property of the United States.

"SEC. 3. So long as such lands thus acquired shall remain the property of the United States, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State." (Passed May 6, 1893.)

"SECTION 1. The consent of the State of New York is hereby given to the purchase by the United States for fortification purposes from Mrs. Sarah Schuyler Martin of two parcels of land, containing in the aggregate about six and one-half acres, situate, lying and being adjacent to each other, near to and southwest from the military post of Fort Wadsworth, on Staten Island, in the town of Southfield, County of Richmond, and State of New York, as the same is described in the deed conveying said lands to the United States, recorded in Richmond County Clerk's Office, in Liber two hundred and forty of deeds, page three hundred and seventy-four. And it is hereby provided that the United States may exercise jurisdiction and control over said lands and every part thereof subject to the restrictions hereinafter mentioned."

"SEC. 2. The jurisdiction hereby ceded shall vest when plats and descriptions of the said lands thus acquired shall have been filed in the office of the Secretary of State of the State of New York; such jurisdiction shall continue no longer than the United States shall own such lands, and such consent is given and jurisdiction ceded upon the express condition that the State of New York shall retain concurrent jurisdiction with the United States in and over such lands, so far as that all civil and criminal process, duly issued under the laws of said State, for acts done or offenses committed within said State, may be freely and fully executed on and within the said lands, except so far as such process may affect the real or personal property of the United States.

"SEC. 3. So long as such lands thus acquired shall remain the property of the United States, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this State. (Passed February 14, 1896.)

WATERVLIET ARSENAL.

This reservation contains an area of about 106 acres, and is situated at West Troy, in Albany County. The title is as follows:

1. Deed from James Gibbons and wife to the United States, dated July 14, 1813, conveying 12 acres 3 roods and 28 perches of land with reservations. Deed recorded in Book D D, page 23, etc., of the deed records in the Clerk's office of the City and County of Albany.

2. Deed from James Dalliba, agent, releasing certain lands to the United States, dated July 29, 1826. Deed recorded in Book F F, No. 2, page 44, etc., of the deed records in the Clerk's office of the City and County of Albany. This deed is a release of trust, and cites a deed taken inadvertently to said Dalliba, special agent for the people of the United States, from James Gibbons and wife, dated May 17, 1823, for seven lots in Gibbonsville, near Watervliet.

3. Deed from Esther Gibbons, sole executrix, etc., to the United States, dated April 28, 1828, conveying 30 acres of land. Deed recorded in Book F F, No. 2, page 139, of the deed records in the Clerk's office of the City and County of Albany.

4. Deed from Peter S. Henry, Master in Chancery, to the United States, dated June 17, 1833, conveying 44.99 acres of land. Deed recorded in Book S S, page 447, etc., of the deed records in the Clerk's office of the City and County of Albany.

5. Deed from Augustus Viele and wife to the United States, dated March 18, 1859, conveying a tract therein described. Deed recorded in Book 157, page 336, etc., of the deed records in the Clerk's office of the City and County of Albany.

6. Deed from Abert G. Sage and wife to the United States, dated April 7, 1859, conveying a tract therein described. Deed recorded in Book 157, page 116, etc., of the deed records in the Clerk's office of the City and County of Albany.

7. Quit-Claim Deed from John B. Chottar and wife to the United States, dated May 27, 1859, conveying two tracts of land therein described; also Lot No. 69 in West Troy. Deed recorded in Book 156, page 506, etc., of the deed records in the Clerk's office of the City and County of Albany.

8. Deed from Joseph Hackett and wife to the United States, dated May 7, 1861, conveying part of Lot No. 68. Deed recorded in Book 172, page 15, etc., of the deed records in the Clerk's office of the City and County of Albany.

9. Deed from Archibald A. Dunlap and wife to the United States, dated May 7, 1861, conveying part of Lot No. 67. Deed recorded in Book No. 173, page 498, etc., of the deed records in the Clerk's Office of the City and County of Albany.

10. Deed from Stephen S. Wandell and wife to the United States, dated May 7, 1861, conveying part of Lot No. 68. Deed recorded in Book 172, page 18, etc., of the deed records in the Clerk's office of the City and County of Albany.

11. Quit-Claim Deed from Esther E. Wandell and husband to the United States, dated May 7, 1861, conveying Lot No. 68.

12. Quit-Claim Deed from Archibald A. Dunlop and wife to the United States, dated February 24, 1862, conveying north half of Lot 67.

13. Deed from Albert G. Sage and wife to the United States, dated September 7, 1866, conveying a tract therein described. Deed recorded in Book 208, page 41, etc., of the deed records in the Clerk's office of the City and County of Albany.

14. Deed of Release from the Trustees of Union College to the United States, dated September 12, 1866, conveying interest in Lot 66. Deed recorded in Book 210, page 337, etc., of the deed records in the Clerk's office of the City and County of Albany.

15. Deed from William J. Snyder and wife to the United States, dated December 20, 1866, conveying Lot 63. Deed recorded in Book 210, page 342, etc., of the deed records in the Clerk's office of the City and County of Albany.

16. Deed from Martha Davis to the United States, dated December 22, 1866, conveying Lot 67 and an additional strip with reservation of ground rent. Deed recorded in Book 210, page 333, of the deed records in the Clerk's office of the City and County of Albany.

17. Quit-Claim Deed from Jane Hunter and husband et al. to the United States, dated December 24, 1866, conveying Lot 65. Deed recorded in Book 210, page 347, of the deed records in the Clerk's office of the City and County of Albany.

18. Quit-Claim Deed from Peter Thaliman and wife to the United States, dated January 1, 1867, conveying Lot 64. Deed recorded in Book 210, page 341, etc., of the deed records in the Clerk's office of the City and County of Albany.

19. Quit-Claim Deed from Laura O. Deming and husband to the United States, dated January 16, 1867, conveying Lot 66. Deed recorded in Book 210, page 334, etc., of the deed records in the Clerk's office of the City and County of Albany.

20. Deed of Release from Union College to the United States, dated February 1, 1867, conveying all interest in Lot 64. Deed recorded in Book 210, page 339, etc., of the deed records in the Clerk's office of the City and County of Albany.

21. Quit-Rent Deed from Archibald A. Dunlop and wife to the United States, dated August 24, 1867, releasing ground rent on Lot 67. Deed recorded in Book 210, page 343, of the deed records in the Clerk's office of the City and County of Albany.

22. Quit-Rent Deed from Alexander McAllister and wife to the United States, dated August 27, 1867, releasing ground rent on Lot 63. Deed recorded in Book 210, page 338, etc., of the deed records in the Clerk's office of the City and County of Albany.

23. Quit-Rent Deed from Alexander McAllister and wife to the United States, dated August 27, 1867, releasing ground rent on Lot 65. Deed recorded in Book 210, page 346, etc., of the deed records in the Clerk's office of the City and County of Albany.

24. Deed from Elizabeth Hall and husband to the United States, dated August 16, 1869, conveying Lots 51 and 50. Deed recorded in Book 232, page 231, of the deed records in the Clerk's office of the City and County of Albany.

Jurisdiction was ceded by acts of the State Legislature passed March 31, 1815, April 20, 1830, March 30, 1833, April 14, 1859, and March 28, 1867, which acts provide as follows:

(For act of March 31, 1815, which provides for Commissioners to cede jurisdiction, etc., by deed, see Fort Montgomery. No evidence of deed.)

"SECTION 1. The jurisdiction of the State of New York is hereby ceded to the United States of America, for the purpose of erecting and maintaining thereon arsenals, magazines, dock-yards and other necessary buildings, over all that certain tract, piece or parcel of land, situate, lying and being in the town of Watervliet, in the county of Albany, and bounded as follows, to wit: * * * together with all the land under water lying opposite and easterly of the described premises, which has been heretofore granted by letters patent to James Gibbons by the people of the State of New York; the evidences of the several purchases of the land which is hereby ceded, being recorded in the office of the clerk of the county of Albany; but always excepting and reserving out of the lands above described, the land occupied by the Erie canal, one rod on each side thereof, and also the public highway.

"SEC. 2. The jurisdiction so ceded to the United States is granted upon the express condition that the State of New York shall retain a concurrent jurisdiction with the United States, in and over the tracts of land aforesaid, so far as that civil process, in all cases, and such criminal process as may issue under the authority of the State of New York, against any person or persons charged with crimes committed without the said tract of land, may be executed therein, in the same way and manner as if this jurisdiction had not been ceded. The United States are to retain such jurisdiction so long as said tract of land shall be used for the purposes expressed in the foregoing section, and no longer." (Passed April 20, 1830.)

"SEC. 3. The jurisdiction of the state of New York is hereby ceded to the United States of America, for the purpose of erecting and maintaining thereon arsenals, magazines and other necessary buildings, over all that certain tract, piece, or parcel of land, situate, lying and being in the town of Watervliet, in the county of Albany, and bounded as follows, to wit: Beginning at a stone set in the ground, marked 'U. S. No. 2,' standing at the south side of the Shaker road, and running thence from the said stone along the said road north seventy-two degrees east, sixteen chains and twenty-four links, to a stone in the ground, marked 'U. S. No. 6;' thence south twenty-two degrees west,

ten chains seventy-six links, to a stone in the ground marked 'U. S. No. 7;' thence north sixty-eight degrees west, twelve chains eighty-one links, to the place of beginning, containing six acres and eighty-nine hundredths of an acre. Also over all that other certain tract, piece or parcel of land situate, lying in, and being in the town of Watervliet, in the county of Albany, aforesaid, bounded as follows, to wit: Beginning at a stone set in the ground, marked 'U. S. No. 4,' and running thence north twenty-two degrees east, six chains and thirty-four links, to a stone in the ground marked 'U. S. No. 3,' standing at the south side of the Shaker road; thence south seventy-two degrees west, sixteen chains and twenty-four links, to a stake, (a stone in the ground marked 'U. S. No. 8'), on the north side of the old Schenectady road; thence along the said road southeasterly twenty-two chains and fifty-nine links, to the westerly corner of the burial ground; then along the outside thereof north fifty-seven degrees forty-five minutes east, three chains and twenty-nine links, to the most northerly corner of the said burial ground; thence south thirty-two degrees fifteen minutes east, three chains twenty-nine links, to the most easterly corner of the said burying ground; thence south sixty-nine degrees east, one chain forty-four links, to a stake, (a stone in the ground marked 'U. S. No. 9'); thence south seventy-nine degrees fifteen minutes east, twelve chains eighty links, to a stone in the ground marked 'U. S. No. 10,' on the west side of the Erie canal; thence along the canal north ten degrees east, nine chains and ninety-three links, to the south line of the land belonging to the people of the United States (designated by a stone in the ground marked 'U. S. No. 11'); thence along the said line north sixty-eight degrees west, twenty-four chains fifty links, to the place of beginning, containing thirty-eight acres and one-tenth of an acre; but always excepting and reserving out of the lands above described one rod in width along the west side of the Erie canal.

"SEC. 4. The jurisdiction so ceded to the United States over the said tracts of land mentioned in the last preceding section, is granted upon the express condition that the State of New York shall retain a concurrent jurisdiction with the United States in and over the said tracts of land, so far as that civil process in all cases, and such criminal process as may issue under the authority of the State of New York, against any person or persons charged with crimes committed within or without the said tracts of land, may be executed therein in the same way and manner as if this jurisdiction had not been ceded, and is to take effect when the purchase by them of the said tracts of land is completed, and the evidences thereof recorded in the office of the clerk of the county of Albany, and they are to retain such jurisdiction so long as the said tracts of land shall be used for the purposes expressed in the foregoing section, and no longer.

"SEC. 5. The jurisdiction hereby first ceded shall not vest until the United States shall have acquired the title to the land mentioned in the preceding section, either by purchase or in the manner hereinafter prescribed.

"SEC. 6. If the United States can not acquire the title to the said premises first above described by purchase, the same may be taken, and the damages may be ascertained and paid in the manner prescribed in the fourth article of the second title of chapter nine of the third part of the Revised Statutes, and the same proceedings shall be had in all respects as prescribed in the said article." (Passed March 30, 1833.)

"SECTION 1. The jurisdiction of the State of New York is hereby ceded to the United States of America, for the purpose of erecting and

maintaining thereon arsenals, magazines and other necessary buildings, and also of using the grounds hereinafter described in connection with the arsenal buildings already erected, over all that certain tract, piece, or parcel of land, situate, lying, and being in the village of West Troy, town of Watervliet, and County of Albany, bounded as follows, to wit: (Here describes lands conveyed by Augustus Viele and wife, March 18, 1859.)

"SEC. 2. The jurisdiction so ceded to the United States over the said tract of land mentioned in the preceding section, is granted upon the express condition that the State of New York shall retain a concurrent jurisdiction with the United States in and over the said tract of land, so far as that civil process in all cases, and such criminal process as may issue under the authority of the State of New York, against any person or persons charged with crimes committed within or without the said tract of land, may be executed thereon in the same way and manner as if this jurisdiction had not been ceded, and this act is to take effect when the purchase by the United States of said tract of land is completed, and the evidences recorded in the office of the Clerk of the County of Albany, and not before; and they are to retain such jurisdiction so long as the said tract of land shall be used for the purposes expressed in the foregoing section, and no longer." (Passed April 14, 1859.)

"SECTION 1. Jurisdiction is hereby ceded to the United States of America over all that certain tract, piece, or parcel of land situate, lying, and being in the village of West Troy, town of Watervliet, and County of Albany, bounded as follows, to wit: * * * And also all that certain other tract, piece or parcel of land situate, lying and being in said village of West Troy, bounded as follows, to wit: * * *

"SEC. 2. The State of New York retains a concurrent jurisdiction with the United States in and over the said lands, so far forth as that all civil and criminal process which may issue under the laws or authority of the State of New York may be executed thereon, in the same way and manner as if this jurisdiction had not been ceded, when such process does not affect the real or personal property of the United States. This act takes effect when the United States has acquired, by purchase or otherwise, the title to said tract of land and has recorded the evidence of such title in the office of the clerk of the County of Albany, and not before.

"SEC. 3. The said property, when acquired by the United States, shall be and continue forever thereafter exonerated and discharged from all taxes and assessments and other charges which may be levied or imposed under the authority of this State; but the jurisdiction hereby ceded and the exemption from taxation hereby granted shall continue, in respect to said property, so long as the same shall remain the property of the United States and be used for public purposes, and no longer." (Passed March 28, 1867.)

See Appendix, pages 297–300.

WEST POINT.

This reservation contains an area of 2,330 acres, is the seat of the United States Military Academy, and is situated in Orange County, on the west bank of the Hudson River, 51 miles above New York City. The title is as follows:

1. Deed from Stephen Moore and wife to the United States, with covenant to acknowledge and levy a fine or fines to Henry Knox, Secretary

of War, etc., dated September 10, 1790, conveying two tracts of land—part of Congreve and Moore Patents. Deed recorded in the Office of the Secretary of State of the State of New York in Book of Deeds No. 24, page 74, etc. Purchase authorized by act of Congress approved July 5, 1790.

2. Quit-Claim Deed of same date from Henry Knox, Secretary of War, to the United States, same premises. Recorded in same Book and page.

The boundaries of the above tracts were settled in 1812 under an act of Congress approved January 22, 1811. The report, proofs, and map recorded in the office of the Secretary of State of the State of New York in Book of Deeds No. 38, page 521, and accepted by act of Congress approved January 5, 1813.

3. Deed from Oliver Gridley and wife to the United States, dated May 13, 1824, conveying 310 acres of land. Deed recorded in Liber Y, page 58, etc., of the records of deeds in Orange County. Purchase authorized by act of Congress approved March 10, 1824.

4. Quit-Claim Deed from Timothy Mahoney and wife to the United States, dated April 17, 1839, releasing 28 acres. Deed recorded in Liber No. 64, page 343, of the records of deeds in Orange County.

5. Quit-Claim Deed from Livinia McClellan to the United States, dated February 14, 1838, releasing 300 acres. Deed recorded in Liber No. 61, page 184, etc., of the records of deeds in Orange County. (The two last-described deeds taken in settlement of long-standing trespass.)

7. Judgment in Ejectment against Andrew J. Swim for 19 acres rendered in the United States District Court for the Southern District of New York. Writ of possession issued. See record of said court dated February 18, 1840, in the Clerk's Office of said Court in the City of New York.

8. Deed from Kinsley Twining and wife et al. to the United States, dated May 7, 1889, conveying 231 acres of land, inclusive of certain highways, embracing 6 acres. Deed recorded in Liber 369, page 323, of the records of deeds in Orange County.

9. Quit-Claim Deed from Elizabeth H. Kinsley to the United States, dated May 7, 1889, releasing dower in above. Deed recorded in Liber 369, page 355, of the records of deeds in Orange County.

10. Deed from Sidney B. Diffenderfer, Guardian, etc., to the United States, dated July 1, 1889, conveying interest in land in deed described as No. 8, herein above. Deed recorded in Liber 369, page 352, of the records of deeds in Orange County.

11. Deed from Mary T. Gridley to the United States, dated May 7, 1889, conveying interest in land in deed described as No. 8, herein above. Deed recorded in Liber 369, page 333, of the records of deeds in Orange County.

12. Deed from Anna G. Walker and husband to the United States, dated May 7, 1889, conveying interest in land in deed described as No. 8, herein above. Deed recorded in Liber 369, page 348, of the records of deeds in Orange County.

13. Deed from Henry H. Gird and wife et al. to the United States, dated May 7, 1889, conveying interest in land in deed described as No. 8 herein above. Deed recorded in Liber 369, page 339, of the records of deeds in Orange County.

14. Quit-Claim Deed from William H. Jaques to the United States, dated September 24, 1889, conveying interest in lands in deed described as No. 8 herein above. Deed recorded in Liber 369, page 336, of the records of deeds in Orange County.

15. Deed from Lyvertt B. Root et al. to the United States, dated

May 7, 1889, conveying interest in lands in deed described as No. 8 herein above. Deed recorded in Liber 369, page 344, of the records of deeds in Orange County.

16. Deed from Eliza A. Reed and husband to the United States, dated June 14, 1889, conveying interest in land in deed described as No. 8 herein above. Deed recorded in Liber 369, page 361, of the records of deeds in Orange County.

17. Deed from Kinsley P. Diffenderfer and wife et al. to the United States, dated June 14, 1889, conveying interest in land in deed described as No. 8 herein above. Deed recorded in Liber 369, page 365, of the records of deeds in Orange County.

18. Deed from Julia Twining, Committee and Special Guardian, etc., to the United States, dated July 1, 1889, conveying interest in land in deed described as No. 8 herein above. Deed recorded in Liber 369, page 329, of the records of deeds in Orange County.

(Same, "Round Pond," and Right of Way for Water Pipes, etc.)

19. Deed from Phebe E. Drew to Townsend Drew to enable him to convey to the United States, etc., right of way and to lay water pipes. Deed dated July 23, 1879, and recorded in Liber 294, page 59, of the records of deeds in Orange County.

20. Deed from Moses Gee and wife to the United States, dated July 24, 1879, conveying right of way and right to lay water pipe, etc. Deed recorded in Liber 294, page 63, of the records of deeds in Orange County.

21. Deed from Townsend Drew to the United States, dated July 24, 1879, conveying right of way, etc. Deed recorded in Liber 294, page 60, of the records of deeds in Orange County.

22. Deed from Cornelia A. Taylor to William Lewis to enable him to convey to the United States a right of way, etc. Deed recorded in Liber 296, page 186, of the records of deeds in Orange County.

23. Deed from Ezra Drew and wife to the United States, dated August 5, 1879, conveying 49.72 acres of land, including part called "Round Pond." Deed recorded in Liber 294, page 307, of the records of deeds in Orange County.

24. Deed from Ezra Drew and wife to the United States, dated August 5, 1879, conveying right of way for water pipes, etc. Deed recorded in Liber 294, page 310, of the records of deeds in Orange County.

25. Deed from Elijah C. Vought and wife to the United States, dated August 11, 1879, conveying, by way of release, interest in "Round Pond." Deed recorded in Liber 294, page 332, of the records of deeds in Orange County.

26. Deed from Samuel Van Voorhis and wife to the United States, dated August 11, 1879, conveying right of way, etc. Deed recorded in Liber 294, page 336, of the records of deeds in Orange County.

27. Deed from William Lewis and wife to the United States, dated August 11, 1879, conveying right of way, etc. Deed recorded in Liber 294, page 334, of the records of deeds in Orange County.

28. Deed from Cornelius Nelson to the United States, dated October 27, 1881, conveying all mineral rights, also "Round Pond." Deed recorded in Liber 308, page 296, of the records of deeds in Orange County.

Jurisdiction was ceded to the United States by acts of the State Legislature, passed March 2, 1826; May 15, 1875; May 25, 1876, April 21, 1879, as amended by act of May 30, 1879; June 14, 1880; May 12, 1881, and May 15, 1888, which acts provide as follows:

"*Be it enacted, etc.*, That the jurisdiction of this State, in and over the tract of land hereinafter described, be and the same is hereby ceded

to the United States; that is to say, all that piece or parcel of land lying in the town of Cornwall, in the County of Orange, and bounded as follows: Beginning at the northeasterly corner of the piece of land herein intended to be described, at the mouth of a small creek which enters into the Hudson river near the old Stores, and thence up and along the southeasterly side of the said creek, to its intersection with the northeasterly side of the road leading from West Point to John Kronkhite's; thence southeasterly along the northeasterly side of the said road, to its intersection with the road which leads from West Point southerly to the widow Kinsley's; thence from said point of intersection due south to a point seven chains south of the line which divides the Gridley farm from the post of West Point; and from thence south eighty-one degrees east, to the Hudson river, on a line parallel with the said division line; and from thence northwardly along the low-water mark of the said river, to the place of beginning, containing two hundred and twenty acres or thereabouts: *Provided, nevertheless*, That such jurisdiction so ceded as aforesaid shall not extend or be construed to extend so as to impede or prevent the execution of any process, civil or criminal, under the authority of this State, except so far as such process may affect the real or personal property of the United States, within the said above-described tract of land." (Passed March 2, 1826.)

"SECTION 1. Consent is hereby given under paragraph sixteen of section eight, article one of the Constitution of the United States, to the respective purchases heretofore made by the United States, of the several tracts of land at West Point, in the county of Orange, now held and owned by the United States for the erection and maintenance thereon of forts, arsenals, docks and piers, military academy, hospitals, and other needful buildings, and for the maintenance of the National cemetery and an observatory, and the legislature hereby also cedes the jurisdiction over said lands to the United States, reserving the right to serve civil and criminal process as now existing, except so far as such process may affect the real or personal property of the United States, and occupancy of the highways now existing or which may exist, upon said lands under the laws of this state." (Passed May 15, 1875.)

"SECTION 1. All the right and title of the State of New York to the following described parcel of land covered with water adjacent and contiguous to the lands of the United States on the Hudson river at West Point, and jurisdiction over the same, are hereby released and ceded to the United States under article one, section eight, paragraph sixteen of the Constitution, for the purpose of erecting and maintaining docks, wharves, boat-houses, batteries, and other needful military structures and appurtenances; * * * *Provided*, that jurisdiction hereby ceded shall continue no longer than the United States shall own said land at West Point and the adjacent land covered with water hereby released; *and provided further*, that all civil and such criminal process as may lawfully issue under authority of this state may be served or executed over said released lands." (Passed May 25, 1876.)

"SECTION 1. The commanding officer of the United States military post at West Point, New York, is hereby authorized by himself, or such representative as he may appoint, to enter upon any lands for the purpose of making surveys, with a view to the improvement of the water supply of said United States military post at West Point, New York, and to agree with the owner or owners of any lands, and of Round Pond, as to the amount of compensation to be paid for the same, or any of the same, or for the right of way or other easement, on any

lands which, or any of which, may be required for the purposes of this act, or which may be injuriously affected by any of the operations authorized thereby or connected therewith."

(Sections 2 and 3 provide for condemnation of the property in case of disagreement as to purchase.) (Act of April 21, 1879, as amended by Act of May 30, 1879.)

"SECTION 1. The consent of the state of New York is hereby given to the purchase by the United States of America of a certain pond, known as Round pond, in the town of Highlands, county of Orange, state of New York, and of certain lands adjacent thereto, amounting in all to forty-nine and seventy-two one hundredths acres, and of the right of laying a water pipe from the same to the United States lands at West Point, New York, for the purpose of increasing the water supply thereof; and the said United States may hold, use, occupy and own the said lands and pond and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

"SEC. 2. The jurisdiction of the state of New York in and over said lands and pond mentioned in the last section shall be and the same is hereby ceded to the United States for the purpose aforesaid; and the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said lands and pond.

"SEC. 3. The consent is given and the said jurisdiction ceded upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the said lands and pond so far as that all civil process in all cases and such criminal and other process as may issue under the laws or authority of the state of New York against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

"SEC. 4. So long as the said lands and pond shall remain the property of the United States, and no longer, the same shall be and continue discharged from all taxes, assessments, and other charges which may be levied or imposed under the authority of this state.

"SEC. 5. This act shall not affect the claim of Cornelius Nelson in and to the minerals upon the said premises, nor the right of the public to enjoy the public highways as heretofore used." (Passed June 14, 1880.)

"SECTION 1. The United States is hereby authorized, through the Secretary of War, to agree with the owner or owners of any minerals, mineral right or right appertaining to such mineral right in said lands and premises, purchased by the United States in manner aforesaid, to wit, said Round pond and lands adjacent thereto, in the town of Highlands, Orange County, New York, and with the owner of any such minerals, or mineral or other rights as aforesaid, in the lands through which the right of laying a water pipe from Round pond to the United States lands at West Point, New York, was granted as aforesaid, as to the compensation to be paid for the same, and to acquire and hold said minerals, and mineral or other rights, as aforesaid."

(Sections 2 and 3 provide for condemnation of the property in case of disagreement as to purchase.) (Passed May 12, 1881.)

"SECTION 1. Consent is hereby given under paragraph seventeen of section eight, article one, of the Constitution of the United States, to the purchase by the United States of the whole or a part of the lands

of the estate of the late E. V. Kinsley lying to the south of and adjoining the government lands at West Point, New York, in the county of Orange, and now the property of the heirs of said Kinsley, for the erection and maintenance thereon of forts, magazines, arsenals, dockyards, military academy, hospitals, and other needful buildings; and the legislature hereby also cedes the jurisdiction over said land to the United States, reserving the right to serve civil and criminal process as now existing, except so far as such process may affect the real or personal property of the United States, and the occupancy of the highways now existing or which may exist upon said lands under the laws of the State.

"SEC. 2. This act shall take effect upon the filing by the United States in the department of state of the state of New York, of proper evidence of the purchase of said lands by the United States, either by agreement with the heirs of the said E. V. Kinsley or in the mode provided by the laws of the state of New York." (Passed May 15, 1888.)

See Appendix, page 293.

WILLETS POINT.

This reservation contains an area of 136.35 acres of land, and is situated on the East River, in Queens County, 2½ miles from Whitestone and 17 miles from New York City. The title is as follows:

1. Deed from George Irving and wife to the United States, dated May 16, 1857, conveying 110 acres of land. Deed recorded in Liber 156, page 422, etc., of the records of deeds in Queens County Clerk's Office.

2. Deed from Henry Day and wife to the United States, dated April 14, 1863, conveying 26.35 acres, riparian rights, and right of way. Deed recorded in Liber 204, page 208, etc., of the records of deeds in Queens County Clerk's Office.

Jurisdiction was ceded to the United States by acts of the State Legislature passed April 15, 1857, and April 17, 1875, which acts provide as follows:

For act of State Legislature, passed April 15, 1857, see Fort Wadsworth.

"SECTION 1. The first section of the act entitled 'An act giving the consent of the state of New York, to the purchase by the United States of certain property in the counties of Queens and Richmond, and to cede to the United States jurisdiction thereof,' passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended to read as follows:

"'SECTION 1. The consent of the state of New York is hereby given, to the purchase by the United States, of all and each and every tract of land on the island of Long island, in the county of Queens, in a direction opposite Fort Schuyler, East river, that may be acquired by the United States and that shall be necessary (under the appropriation by congress of March third, eighteen hundred and fifty-seven, for the commencement of a fort opposite Fort Schuyler, New York) for the purpose of building and maintaining thereon forts, magazines, dockyards, wharves, and other necessary structures, with their appendages, and (concurrent jurisdiction is hereby ceded to the United States) over all the contiguous shores, flats and waters within four hundred feet from low-water mark (measured toward the channel), and over the land lying between high and low-water marks, and in case the owners of the said land shall not consent to sell the same on such terms as the United States may deem equitable, the consent of the legislature is hereby given to the United States taking the same for the purpose aforesaid,

upon just and full compensation being provided for the owners thereof in the manner prescribed in the fourth article and second title of the ninth chapter and third part of the Revised Statutes; and all right, title and claim which this state may have to or in the premises aforesaid is hereby granted to the United States, subject to the restrictions hereinafter mentioned.'" (Act of April 17, 1875.)

WOODLAWN NATIONAL CEMETERY.

This cemetery contains an area of 2.36 acres of land, and is situated at Elmira, in Chemung County. The title is as follows:

Deed from the City of Elmira to the United States, dated June 26, 1877, conveying above tract. Deed recorded in Book No. 69, page 604, etc., of the records of deeds in the Chemung County Clerk's Office.

NORTH CAROLINA.

BEACON ISLAND.

This reservation comprises the whole island and is situated inside Ockrakoke Inlet, one of the entrances to Pamlico Sound, near the mouth of the Neuse River, in Carteret County. The title is as follows:

Deed from John G. Blount and John Wallace to the United States, dated September 9, 1799, conveying said island as lying in Carteret County. Deed recorded in Book O, page 29, of the deed records of said County.

Jurisdiction was ceded to the United States by acts of the State Legislature, ratified July 18, 1794, and December 25, 1813, which provide as follows:

"Whereas the Congress of the United States have passed an act to provide for the defence of certain ports and harbours in the United States, in which is comprised Cape Fear river and Occacock inlet, and also an act to erect a light-house on the headland of Cape Hatteras; and whereas it is expedient that the United States should have the exclusive jurisdiction of a sufficient quantity of land on which said forts and light-houses shall be erected:

"1. *Be it enacted, etc.*, That part of the public ground laid off by the commissioners of Smithville, for a fort on Cape Fear river, including part of the ground whereon Fort Johnson formerly stood, with the exclusive jurisdiction thereof, shall be and the same is hereby ceded to the United States of America, under the condition hereinafter mentioned.

"2. *And be it further enacted*, That the exclusive jurisdiction of Beacon island, in the harbor of Occacock, and four acres of land at the headland of Cape Hatteras, and also so much of the town of Smithville, adjoining Fort Johnson, as may be found necessary for the said fort, not exceeding six acres, shall be ceded and stand vested in the United States, as soon as the proprietors of said lands shall convey the same to the United States.

"3. *And be it further enacted*, That the above-mentioned lands are and shall be ceded to the United States, upon the express condition, that the fortifications, light-houses, and beacons, for which the said lands are ceded, shall be erected within three years, and be continued and kept up forever thereafter for the public use.

"4. *And be it further enacted*, That nothing herein contained shall be so construed as to debar or hinder any of the officers of this state from

serving any process, or levying executions within the limits ceded by this act to the United States, in the same manner and to the same effect as if this act had never been made." (Ratified July 18, 1794.)

AN ACT providing the means by which the United States may obtain sites for light-houses and fortifications within this State, and for ceding the jurisdiction thereof to the United States:

(Section 1 provides for condemnation, etc.)

"SEC. 2. That so much of an act entitled 'An Act to cede to the United States of America certain lands upon the condition therein mentioned, as cedes Beacon Island, and four acres of land at the head land of Cape Hatteras,' as relates to Beacon Island, be, and the same is hereby, revived and declared to be in full force, any law to the contrary notwithstanding: *Provided Always*, and upon express condition that a fort be erected upon said Island by the United States within five years after the passing of this act, and kept up forever thereafter for the use intended by the erection thereof.

"SEC. 3. That the full and entire sovereignty and jurisdiction in and over said land as may be laid out and paid for, for the purpose of erecting fortifications and light-houses under and by virtue of this Act, on or before the first day of December, 1814, be ceded absolutely and entirely to the United States, who shall have, use, and exercise exclusive jurisdiction, power and authority over the same and every part thereof.

"SEC. 4. That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from serving any process or levying executions within the limits which may be laid off and ceded by this Act to the United States, in the same manner and to the same effect as if this act had never been made." (Ratified December 25, 1813.)

FORT CASWELL.

This reservation includes Oak Island, and contains an area of 2,325 acres. It is situated about 2 miles from Southport and 22 miles from Wilmington, in Brunswick County. The title is as follows:

Deed from P. R. Dickinson and I. M. Van Cleef to the United States, dated October 12, 1825, conveying tract by metes and bounds.

Jurisdiction was ceded to the United States by an act of the State Legislature, ratified December 26, 1825, which provides as follows:

"Whereas the Congress of the United States have passed an act to provide for the defence of the River Cape Fear, by the erections of proper fortifications on Oak Island, at the mouth of said river; and whereas it is expedient that the United States should have the exclusive jurisdiction of said Island, on which said fortifications shall be erected;

"*Be it enacted, etc.*, That the exclusive jurisdiction of the Island, called Oak Island, lying and being at the mouth of Cape Fear River, or of so much thereof as shall be purchased by the United States for the purpose of erecting a fortification, shall be ceded to and stand vested in the United States, as soon as the proprietors of said Island shall convey the same, or any part thereof to the United States for the purpose aforesaid.

"II. *And be it further enacted*, That the above-mentioned Island, or such part thereof as shall be purchased as aforesaid, is and shall be ceded to the United States upon the express condition, that the fortifications for which said land is ceded, shall be erected within ten years, and be continued and kept up forever thereafter for the public use.

"III. *And be it further enacted*, That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from serving any kind of process or levying executions within the limits ceded by this act to the United States, in the same manner, and to the same effect, as if this act had never been passed." (Ratified December 26, 1825.)

FORT JOHNSTON.

This reservation comprises 43,560 square feet of land, and is situated in the town of Smithville, in Brunswick County. The title is as follows:

Deed from Benjamin Smith to the United States, dated January 1, 1800, conveying Lots 15 and 16. Deed recorded in Book D, page 253, etc., of the deed records of Brunswick County.

Jurisdiction was ceded to the United States by acts of the State Legislature ratified July 18, 1794; December 8, 1804; December 18, 1807, and December 21, 1809, which acts provide as follows:

(For act of July 18, 1794, see Beacon Island.)

"Whereas the times limited by the acts of one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-eight, for erecting fortifications on the lands thereby ceded, are expired; and the general government is proceeding without delay, to finish a fort on Cape Fear river, upon the public ground laid off agreeably to law, by the commissioners of Smithville.

"1. *Be it enacted, etc.*, That the ground so laid off by the said commissioners, shall continue to be, and the same is hereby ceded to the United States of America, with the exclusive jurisdiction, except as is hereinafter excepted, of what is occupied by the fort and works, upon condition that the fort now building shall be completed on or before the first day of January, one thousand eight hundred and six.

"2. *Be it further enacted*, That in case of purchase from a citizen or citizens thereof by the national government, of any points, head-lands or islands, which may be deemed necessary for the defence of any river or harbour in the State, that the said points, head-lands, or islands, with the exclusive jurisdiction thereof, except as is hereinafter excepted, be, and the same is or are hereby ceded to the United States of America, on condition that fortifications be erected on such places, within three years from the time of the purchase, and be continued and kept up forever thereafter, for the public use and defence; and that the quantity of ground in each case shall not exceed five acres.

"3. *And be it further enacted*, That no cession herein made shall be so construed as to prevent any officer of the State from serving process or levying executions agreeably to the laws thereof, within the limits ceded by, or in pursuance of this act, to the United States, in the same manner, and to the same effect, as if the same was never passed.

"4. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, or contrary thereto, shall be, and the same are hereby repealed and declared void." (Ratified December 8, 1804.)

(For act of December 18, 1807, see Fort Macon.)

"Whereas the time limited in the aforesaid acts for erecting fortifications in Smithville has expired;

"1. *Be it enacted, etc.*, That the ground left out of the plan of Smithville by the commissioners, for the use of a fort and the erection of fortifications, agreeably to the act establishing said town, be, and the

same is hereby ceded to the United States of America with the exclusive jurisdiction thereof; *Provided*, that so much of the said ground as the commanding officer stationed by the United States at Smithville shall deem necessary to be kept free from intrusion, shall be enclosed within six months, and the fort and works deemed by the national government necessary and proper, be completed within seven years, from the 31st of December, 1809, and from thence be afterwards kept in such repair and order for the public defence, as to answer the purpose for which it was ceded: *And provided always*, that on failure of the national government to keep the said fort and works in such order and repair for two years, the said ground shall revert to this state.

"2. *And be it further enacted*, That nothing herein contained shall be construed so as to prevent any officer of this state from serving process or levying executions and carrying them into full effect, agreeably to the laws of this State, within the limits hereby ceded, in the same manner as though this cession had never been made." (Ratified December 21, 1809.)

FORT MACON.

This reservation contains an area of 1½ square miles, and is situated at "Old Topsail Inlet," 2 miles from Beaufort and Morehead City, in Carteret County. The title is as follows:

1. Deed from Jonas Small and Joseph Davis to the United States, dated May 1, 1810, conveying 6 acres and 118 square perches of land. Deed recorded in Book P, page 286, of the deed records of Carteret County.

2. Certificate from J. R. Dunnell, Sheriff of Carteret County, and a Jury, in condemnation proceedings, to the United States, dated June 1, 1826, conveying "Bogue Banks," containing 405.59 acres. Certificate recorded in Book T, page 446, of the deed records of Carteret County.

Jurisdiction was ceded to the United States by acts of the State Legislature, ratified December 18, 1807, and November ———, 1825, which provide as follows:

"Whereas the harbour of Old Topsail Inlet is at present in an unguarded state, and is generally nineteen feet water on the bar of said harbour, which renders it necessary that the United States should have the jurisdiction of certain land convenient thereto, in order that a fort may be erected thereon for the defence of the said port and harbour;

"1. *Be it enacted, etc.*, That five acres of land, in the county of Carteret, on the west side and adjoining Old Topsail Inlet, be, and the same is hereby ceded to the United States of America, for the purpose of erecting a fort thereon for the defence of the said port and harbour.

"2. *And be it further enacted*, That Bryant Helen, Jeconias Pickens, and James Stanton be, and they are hereby, appointed commissioners to survey, lay off and mark the boundaries of the said five acres, and shall return a correct plan thereof to the office of the secretary of state; and the said plan so by them returned, shall be deemed full and sufficient evidence of the boundaries aforesaid: *Provided*, that the land ceded by virtue of this act is subject to the following condition: That the said fort shall be erected thereon within three years from the passing thereof, *and provided also*, that nothing herein contained, shall be construed to debar any of the officers of this state from serving any process or levying executions within the limits ceded by this act, in the

same manner and to the same effect, as if this act had never been passed.

"And whereas, from different causes and circumstances, the fort at Smithville is not perfectly completed, although it is so far done as to be ready for the mounting of cannon,

"3. *And be it further enacted*, That all the grants and provisions heretofore made respecting the same, shall continue and be in full force; *Provided*, the said fort is finished within the year 1808; any law, usage or custom to the contrary notwithstanding." (Ratified December 18, 1807.)

"1. Whereas the Congress of the United States have passed an act to provide for the defence of Old Topsail Inlet in this State by the erection of proper fortifications at Bogue Banks; and whereas it has been suggested that difficulties have been experienced by the United States in procuring proper titles to the sites required and whereas it is also expedient that the United States should have the exclusive jurisdiction of said site on which said fortifications shall be erected.

"2. That the exclusive jurisdiction of a certain tract of land called Bogue Banks, butted and bounded as follows, to wit: Beginning at a point on the Atlantic shore, thence a line due North and South will touch the extreme end of a line extending west two thousand seven hundred and ninety-five yards from a point at the extreme east end of Bogue Banks, thence from the beginning due North across Bogue Banks four hundred and eighteen yards till it meets the water's edge, thence eastwardly following the shore along Fishing Creek, and along the shore to the extreme eastern point of Bogue Banks, thence round said point along the Atlantic Ocean westwardly to the beginning containing four hundred and five acres and fifty-nine hundredths, more or less, shall be ceded and stand vested in the United States, as soon as the proprietors of said land shall convey the same to the United States; or, in case the proprietors shall refuse to convey, or be unknown, then as soon as the said land shall be viewed, laid off and valued as hereinafter shall be directed; saving and reserving to the present proprietors of the fisheries the right of fishing upon said Banks as heretofore exercised by them.

"3. That should the owner or owners of said land be unknown or refuse to sell the same for a fair price and the United States shall by their attorney for the District of North Carolina file with his Excellency the Governor of this State a suggestion in writing, setting forth their desire to obtain a site for the erection of fortifications on said lands called Bogue Banks and describing in such suggestion the situation of such site and the name of the owner or owners, if known, it shall be the duty of the Governor forthwith to transmit a copy of such suggestion to one of the Judges of the Superior Courts of Law and Equity of this State who shall on receipt thereof issue a writ of venire facias to the Sheriff of the County in which site so required is situated commanding him to summon twenty-four freeholders of his County to appear on the premises on a day certain, from which he shall draw by lot a jury of eighteen persons entirely unconnected with the owner or owners of such land, who being duly sworn by the Sheriff or his lawful deputy, either of whom is hereby authorized and empowered to administer the oath to the said jurors truly and impartially to value lay off and allot to the United States the $405\frac{59}{100}$ acres of land aforesaid under their hands and seals in the presence of such Sheriff or his lawful deputy who shall deliver the said writ of venire facias with his return thereon and the report of the jury under their hands and seals, within

ten days thereafter to the public register of the County in which such site and lands lie who shall forthwith register the same in the records of his office; and thereupon the United States shall on payment of the valuation to the person or persons to whom such lands belong, or if such person or persons refuse to accept the same, or be unknown, on payment of the same into the public Treasury of this State, therein to await the order or demand of the rightful owner, be seized thereof for the purpose mentioned in this act: *Provided Always and Upon Express Condition*, That such site for the purpose of erecting fortifications and the annexed land laid off and allotted as above mentioned shall be so used within five years after the filing of such petition, and be and occupied continuously thereafter for such purposes; otherwise such site and annexed land shall revert to this State.

"4. That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from serving any process or levying executions within the limits ceded by this act to the United States, in the same manner and to the same effect as if this act had never been made." (Ratified November —, 1825.)

NEWBERN NATIONAL CEMETERY.

This reservation contains an area of 7.60 acres, and is situated at Newbern, in Craven County. The title is as follows:

1. Deed from William P. Moore and wife to the United States, dated March 13, 1869, conveying 7.589 acres of land. Deed recorded in Book No. 69, folio 323, of the deed records of Craven County.

2. Deed from Isaac N. Hughes and wife to the United States, dated July 1, 1874, conveying an additional strip of land. Deed recorded in Book 75, folio 344, etc., of the deed records of Craven County.

3. Deed of Release from Murray, Ferris & Company to the United States, dated November 8, 1869, conveying interest in premises conveyed by Hughes. Deed recorded in Book No. 70, folio 233, etc., of the deed records of Craven County.

4. Deed from the City of Newbern to the United States, dated November 26, 1888, conveying right of way 60 feet wide from said City to the Cemetery.

Jurisdiction was ceded to the United States by the following act of the State Legislature, of March 28, 1870:

"Whereas the government of the United States of America has purchased for use as a national cemetery a certain piece or parcel of land in Craven county, bounded and described as follows, to wit: * * * containing seven and five hundred and eighty-nine thousandths acres; and whereas it is expedient that the United States should have exclusive jurisdiction of the land described above and used as aforesaid; Therefore—

"SECTION 1. *The General Assembly of North Carolina do enact*, That the exclusive jurisdiction of the seven acres, five hundred and eighty-nine thousandths of an acre of land in Craven county, and used as a national cemetery, shall be ceded and is hereby vested in the United States upon condition that the said national cemetery be continued and kept up.

"SEC. 2. That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from levying any process or levying execution within the limits over which jurisdiction is by this act ceded to the United States, in the same manner and to the same effect as if this act had never been passed." (Ratified March 28, 1870.)

RALEIGH NATIONAL CEMETERY.

This reservation contains an area of 7.83 acres, and is situated at Raleigh in Wake County. The title is as follows:

Deed from the State of North Carolina to the United States, dated January 17, 1871, conveying 196,875 square feet of land. Deed recorded in Book 38, page 85, of the deed records of Wake County.

Jurisdiction ceded to the United States by the following act of the State Legislature of April 10, 1869:

"SECTION 1. *The General Assembly of North Carolina do enact*, That the Governor of this State be, and he is hereby, authorized and directed to grant or cede, in behalf of the State, to the United States of America, a certain parcel of land, situated in the county of Wake, the same being a rectangular tract of land, five hundred and twenty-four (524) feet in width, and bounded on the north by land owned by B. F. Moore, on the east by the land owned by J. P. H. Russ, and on the south and west by land owned by this State.

"SEC. 2. That this grant is made in consideration of the United States occupying this parcel of land herein directed to be granted as a National Cemetery; and whenever it shall cease to be used for such purposes, the title to the same shall revert to this State.

"SEC. 3. That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from suing any process or levying executions within the limits of this act, ceded to the United States in same manner and to the same effect as if this act had never been passed." (Ratified April 10, 1869.)

SALISBURY NATIONAL CEMETERY.

This reservation contains an area of about 6 acres, and is situated at Salisbury, in Rowan County. The title is as follows:

1. Deed from Joseph Horah and wife to the United States, dated January 7, 1874, conveying 4,882 square feet of land. Deed recorded in Book No. 47, page 553, of the deed records of Rowan County.

2. Deed from Joseph Horah and wife to the United States, dated January 7, 1870, conveying 3 acres, 3 roods, and 10 poles of land. Deed recorded in Book 45, page 553, of the deed records of Rowan County.

Jurisdiction ceded to the United States by the following act of the State Legislature of February 10, 1872:

"SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for the government of the United States, or any person under authority of the same, to purchase a tract, piece, or parcel of land in the county of Rowan and State of North Carolina, now occupied as a national cemetery; *Provided*, Said tract or parcel of land shall not exceed ten acres.

"SEC. 2. That all deeds conveyances or other title paper for the same shall be recorded as in other cases in the office of the register of deeds in which the lands so conveyed may lie, in the same manner and under the same regulations as other deeds and conveyances are now recorded, and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tract or tracts or legal division of any public land belonging to the United States, which may be set apart by the general government for the purpose before mentioned by an order, patent or other official document or papers so describing such land.

"SEC. 3. That the said lot or parcel of land, together with the tenements and appurtenances for the purpose before [men]tioned, shall be exempt from taxation by the State of North Carolina.

"SEC. 4. That nothing herein contained shall be so construed as to bar or hinder any of the officers of this State from executing any process or levying an execution within the limits of said tract or parcel of land so held and purchased by the government of the United States, in the same manner as if this act had never been passed." (Ratified February 10, 1872.)

WILMINGTON NATIONAL CEMETERY.

This reservation contains an area of 5 acres, and is situated at Wilmington, in New Hanover County. The title is as follows:

1. Deed from Isaac D. Ryttenberg to the United States, dated February 20, 1867, conveying 5 acres of land. Deed recorded in Book C C C, page 22, etc., of the deed records of New Hanover County.

2. Deed from William A. Wright and wife to the United States, dated December 10, 1877, conveying a tract therein described. Deed recorded in Book N N N, page 804, etc., of the deed records of New Hanover County.

Jurisdiction ceded to the United States by the following act of the State Legislature of January 22, 1875:

"SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be lawful for the government of the United States, or any person under authority of the same, to purchase a tract, piece or parcel of land situated near the eastern boundary of the city of Wilmington, North Carolina, containing five (5) acres, and adjoining the lands of Benjamin White and others, * * * now occupied as a National Cemetery; *Provided*, Said tract or parcel of land shall not exceed ten acres.

"SEC. 2. That all deeds, conveyances or other like papers for the same shall be recorded as in other cases in the office of register of deeds in which the lands so conveyed may lie, in the same manner and under the same regulations as other deeds and conveyances are now recorded, and in like manner may be recorded a sufficient description by metes and bounds, courses and distances of any tract or tracts or legal divisions of any public land belonging to the United States, which may be set apart by the general government for the purpose before mentioned by an order, patent or other official documents or papers so describing such land.

"SEC. 3. That the said lot or parcel of land, together with the tenements and appurtenances for the purpose before mentioned, shall be exempt from taxation by the State of North Carolina.

"SEC. 4. That nothing herein contained shall be so construed as to bar or hinder any of the officers of this State from executing any process or levying an execution within the limits of said tract or parcel of land so held and purchased by the government of the United States, in the same manner as if this act had never been passed." (Ratified January 22, 1875.)

NORTH DAKOTA.

FORT YATES.

This reservation contains an area of about $2\frac{3}{4}$ square miles, and is situated on the west bank of the Missouri River, adjacent to the Standing Rock Indian Agency, in the Sioux Indian Reservation, distant about 55 miles from Bismarck.

Jurisdiction was ceded to the United States by the following provision of the State Constitution:

"SEC. 203. * * * Second. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States."

OHIO.

COLUMBUS BARRACKS (ARSENAL).

This reservation contains an area of 77 acres 3 roods and 8 perches of land, and is situated near Columbus, in Franklin County. The title is as follows:

Deed from Robert Neil and wife to the United States, dated February 17, 1863, conveying 77 acres 3 roods and 8 perches of land. Deed recorded in Vol. 76, page 572, etc., of the deed records of Franklin County.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved March 21, 1863, which reads as follows:

"AN ACT ceding to the United States of America jurisdiction over certain lands and their appurtenances in the County of Franklin, in the State of Ohio, and exempting the same from taxation.

"Whereas, The United States have appropriated money for the establishment of a national arsenal at Columbus, in the County of Franklin, and State of Ohio, for the deposit and repair of arms and other munitions of war, and for other purposes of a public nature:

"SECTION 1. *Be it enacted, etc.*, That jurisdiction of the lands and their appurtenances, that have been or may be purchased in said County of Franklin for the establishment of the aforesaid arsenal, be and is hereby ceded to the United States of America: *Provided, however*, That all civil and criminal process issued under the authority of the State of Ohio, or any officer thereof, may be executed on said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid.

"SEC. 2. That the lands above described, with their appurtenances and all buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county and municipal taxation and assessment whatever, so long as the same shall remain the property of the said United States of America.

"SEC. 3. This act shall take effect and be in force from and after its passage."

CAMP CHASE CEMETERY.

This reservation, in which Confederate dead are buried, contains an area of 2½ acres, and is situated near Columbus, in Franklin County. The purchase was made under authority of an Act of Congress approved February 25, 1879, and the title is as follows:

Deed from William J. Marshall et al., Executors, etc., to the United States, dated April 23, 1879, conveying 2½ acres of land. Deed recorded in Vol. 141, page 528, etc., of the deed records of Franklin County.

CEMETERY LOT NEAR CINCINNATI.

This lot contains an area of 0.628 of an acre, and is situated near Cincinnati, on the site formerly known as Camp Dennison, in Hamilton County. The title is as follows:

Deed from Rebecca E. J. Kugler to the United States, dated June 3, 1869, conveying above tract. Deed recorded in Book No. 428, page 297, of the deed records of Hamilton County.

WOODLAND CEMETERY.

This reservation comprises two lots in the City Cemetery situated at Cleveland. The title is as follows:

Certificate of Purchase from the City of Cleveland to the United States, dated September 25, 1868, conveying Lots 59 and 60, in Section 10, in Woodland Cemetery. Certificate numbered 1262, signed by C. E. Hill, City Clerk, and recorded in his office at said City of Cleveland.

OKLAHOMA.

FORT RENO.

This reservation contains an area of 9,493 acres, and is situated on the North Folk of the Canadian River, in Canadian County. The title is as follows:

Set apart from the public domain by being included within the limits of the Cheyenne and Arapahoe Indian Reservation by Executive Order dated August 10, 1869. It was proclaimed a military reservation by Executive Order dated July 17, 1883.

FORT SILL.

This reservation contains an area of 49,920 acres, of which 23,040 acres was originally reserved as a Military Post and 26,880 acres afterwards added as a wood reserve. It is situated on Medicine Bluff Creek, in the Kiowa, Comanche, and Apache Indian Reservation, on the Denver and Fort Worth Railroad, and is 27 miles distant from Rush Springs, Ind. T. Reserved from the public domain originally as an Indian Reservation for the benefit of the Wichita, Kiowa, Comanche, and Apache Indians, the 23,040 acres were, by Executive Order, dated October 7, 1871, set apart as a military reservation. The wood reserve of 26,880 acres was set apart by Executive Order dated March 2, 1892.

For jurisdiction see paragraph 2, Section 3, Article 4, Constitution of United States.

OREGON.

SAND ISLAND.

This reservation contains an area of 192.07 acres, according to a survey made prior to 1877. It is a shifting island, comprising parts of Sections 14, 23, and 24, in Township 9 North of Range 11 West of Willamette Meridian, lying in or near the entrance to the Columbia River. Taken from the public domain and declared a military reservation by Executive Order dated August 29, 1893.

Jurisdiction was ceded to the United States (as also title) by an act of the State Legislature approved October 21, 1864, which provides as follows:

"SECTION 1. There is hereby granted to the United States all right and interest of the State of Oregon in and to the land in front of Fort Stevens and Point Adams, situate in this State, and subject to overflow between high and low tide, and also the Sand Island, situate at the mouth of the Columbia River, in this State, the said island being subject to overflow between high and low tide.

"SEC. 2. The Governor of this State shall cause two copies of this Act to be prepared and certified under the seal of this State, and forward one of such copies to the Secretary of War of the United States, and the other of such copies to the commanding officer of this district of the military department of the Pacific Coast."

POINT ADAMS (FORT STEVENS).

This reservation contains an area of 1,250.11 acres, and, as a part of the public domain, was reserved for military purposes by Executive Order, dated February 26, 1852, and included within its boundaries fractional sections 5 and 6 and N. ½ of sections 7, 8, and 9, in Townships 8 and 10, North of Range 10 West, Willamette Meridian. Point Adams is at the mouth of the Columbia River, in Clatsop County, 7 miles from Astoria and 105 miles from Portland. It is the site of Fort Stevens. Further evidences of title are:

1. Deed from Cyrus Olney and wife to the United States, dated August 10, 1863, conveying River Lot 5 in Section 5, and NE. ¼ of SE. ¼ and River Lots 1 and 2 of Section 6, in Township 8, North of Range 10 West, containing 156.87 acres.

2. Deed from Cyrus Olney to the United States, dated February 28, 1870, conveying same premises.

For jurisdiction, etc., see Sand Island.

PENNSYLVANIA.

ALLEGHENY ARSENAL.

This reservation contains an area of about 38.50 acres and is situated on the east side of the Allegheny River, near Pittsburg, in Allegheny County. The title is as follows:

1. Deed from William B. Foster and wife to the United States, dated April 29, 1814, conveying 30 acres of land. Deed recorded in Book T, page —, of the deed records of Allegheny County, at Pittsburg, May 2, 1814.

2. Deed from Alba Fisk and wife to the United States, dated May 13, 1831, conveying 6 acres 2 roods and 36 perches of land. Deed recorded in Book P 2, Vol. 40, page 101, etc., of the deed records of Allegheny County.

3. Deed from Anthony Dravo and wife to the United States, dated June 8, 1833, conveying 1 acre and 0.64 of a perch of land. Deed recorded in Book V 2, Vol. 45, page 136, of the deed records of Allegheny County.

4. Deed from William F. Hamilton et al, to the United States, dated November 26, 1836, conveying right to water, etc. Deed recorded in Book C 3a, Vol. 52, page 480, etc., of the deed records of Allegheny County.

5. Deed from Alba Fisk and wife to the United States, dated June 6, 1837, conveying 6,886 square feet of land. Deed recorded in Book D 3, Vol. 53, page 400, etc., of the deed records of Allegheny County.

6. Deed from Felix Weisenberger et al., Trustees, etc., to the United States, dated September 14, 1867, conveying Lots 1, 2, and 3, of the Borough of Lawrenceville, containing about 10,000 square feet of land. Deed recorded in Deed Book, Vol. 218, page 396, of the deed records of Allegheny County.

Jurisdiction was ceded to the United States by acts of the State Legislature passed March 19, 1816, and February 14, 1845, which acts provide as follows:

"SECTION 1. *Be it enacted, etc.*, That the consent of the Legislature of the Commonwealth of Pennsylvania is hereby granted to a purchase, which the United States have lately made from William B. Forster, of a certain tract of land situate on the Allegheny River, about two miles above Pittsburg, bounded as follows: [Here describes land as set out in the Forster deed, *supra.*] For a military station and establishment for the ordnance department: *Provided*, That nothing herein contained shall extend, or be construed to extend, so as to impede or prevent the execution of any process, civil or criminal, under the authority of this State." (Act approved March 19, 1816.)

AN ACT in addition to an Act passed the nineteenth day of March, Eighteen hundred and sixteen, entitled "An Act assenting to a purchase made by the United States of a piece of land near Pittsburg."

"SECTION 1. *Be it enacted, etc.*, That the assent of the Legislature of the Commonwealth of Pennsylvania is hereby granted to a purchase made by the United States of certain land from Alba Fisk and wife on the Thirteenth day of May, Eighteen hundred and thirty-one, and also to the purchase of certain other land from Anthony Dravo and wife on the Eighth day of June, Eighteen hundred and thirty-three, and also to the purchase of certain other land from Alba Fisk and wife on the Sixth day of June, Eighteen hundred and thirty-seven, all of which pieces of land are included within the boundaries of the United States Arsenal near Pittsburg and adjoining the piece described in the act to which this is an addition, and containing about Eight Acres, according to the boundaries described in the deeds of the purchase above mentioned and under like terms and conditions as are prescribed in the act to which this is an addition.

"SEC. 2. That if at any time hereafter any further or additional quantity of land shall be purchased by the United States for the use of said arsenal, this act shall be construed to vest in the United States jurisdiction over the same to the same extent as it is vested by this act over the pieces above described." (Approved February 14, 1845.)

ALLEGHENY CEMETERY.

(Soldiers' lot.)

This reservation contains an area of 10,272.12 superficial feet of land, and is known as Lot No. 66 in The Allegheny Cemetery, in the City of Pittsburg, in Allegheny County. The title is as follows:

Deed from The Allegheny Cometery (a corporation) to the United States, dated March 18, 1875, conveying above lot. Deed recorded December 17, 1875, in Deed Book, Vol. 354, page 39, of the deed records of Allegheny County.

ASHLAND CEMETERY.

(Soldiers' lot.)

This reservation contains 7,740 square feet of ground, and is situated in "Ashland Cemetery," in the Borough of Carlisle and County of Cumberland. The title is as follows:

Deed from Valeria M. Penrose, Trustee, etc., to the United States, dated September 19, 1878, conveying Lots 212 to 265, inclusive, in Section D of D. S. Ettinger's plan No. 3 of Ashland Cemetery, containing 540 by 16 feet.

Deed given as a substitute for a deed dated in March, 1866, which was lost.

CARLISLE BARRACKS.

This reservation contains an area of about 30 acres and 8 perches of land, and is situated near the town of Carlisle, in the County of Cumberland. Purchase of site made by authority of an Act of Congress passed in 1794, and transferred to the Interior Department to be used as a school for Indian children until required by the War Department for military purposes, December 22, 1879. The title is as follows:

Deed from Edmund Physic, Attorney in fact for John Penn and Richard Penn, to the United States, dated January 13, 1801, conveying above-described tract. Deed recorded in Book O, Vol. 1, page 79, etc., of the deed records of Cumberland County at Carlisle.

CHINA, OR WHITE HALL, CEMETERY.

(Soldiers' lot.)

This reservation contains an area of 1 acre, and is situated on the northwesterly side of the China Hall Public Road, near Bristol, in the Township of Bristol and County of Bucks. The title is as follows:

Deed from George Randall and wife to the United States, dated August 30, 1864, conveying 1 acre. Deed recorded in Deed Book No. 125, page 176½, etc., of the deed records of Bucks County.

FRANKFORD ARSENAL.

This reservation contains an area of about 62 acres and 38 perches of land, and is situated in the now City of Philadelphia. The title is as follows:

1. Deed from Frederick Fraley and wife to the United States, dated May 27, 1816, conveying 20 acres and 34 perches of land, with bridge privileges. Deed recorded in Deed Book M R, No. 7, page 717, etc., of the deed records of Philadelphia County.

2. Deed from Robert Kennedy to the United States, dated April 8, 1837, conveying 3 acres and 6 perches of land. Deed recorded in Book S H F, No. 11, page 721, etc., of the deed records of Philadelphia County.

3. Deed from William S. Haines and wife to the United States, dated December 27, 1849, conveying in the aggregate 38 acres and 158 perches of land. Deed recorded in Book G W C, No. 31, page 515, etc., of the deed records of Philadelphia County.

Jurisdiction was ceded to the United States by Acts of the State Legislature approved June 13, 1840, and April 6, 1849, which provide as follows:

AN ACT to authorize the Lewisburg and Jersey Shore Turnpike Road and Bridge Company to erect gates and receive tolls, and for other purposes.

"SEC. 3. That the jurisdiction of the State of Pennsylvania is hereby ceded to the United States of America for the purpose of erecting and maintaining thereon Arsenals, Magazines, and other necessary buildings over all those certain tracts, pieces, or parcels of land lying and being in the town of Oxford and in the township of Passyunk in the County of Philadelphia, * * * being bounded as follows, to wit: (Here describes the lands purchased by the United States from Frederick Fraley and Robert Kennedy.) The evidence of the several purchases of the land which is hereby ceded being recorded in the Office of the Clerk of the County of Philadelphia.

"SEC. 4. The jurisdiction so ceded to the United States of America is granted upon the express condition that the said State of Pennsylvania shall retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid so far as that civil process in all cases and such criminal process as may issue under the authority of the State of Pennsylvania against any person or persons charged with the crimes committed without the said tracts of land may be executed thereon in the same way and manner as if this jurisdiction had not been ceded. The United States are to retain such jurisdiction so long as said tract of land shall be used for the purposes expressed in the foregoing section and no longer." (Act approved June 13, 1840.)

RESOLUTION relative to the purchase by the United States of certain lands contiguous to the Frankford Arsenal, in Philadelphia County.

"1. *Resolved, etc.*, That the consent of this Legislature be, and the same is hereby, given for the purchase by the United States of any lands not exceeding forty acres adjoining the United States Arsenal at Frankford, in the County of Philadelphia, for the enlargement of said Arsenal and the erection of further buildings and machinery for such uses as the proper authorities of the United States may deem proper, and that all the right, title, property, and interest of this Commonwealth in and to the said land adjoining the United States Arsenal as aforesaid, together with all the buildings, improvements, houses, forts, arsenals and other needful buildings now on or to be put on said property shall be and are hereby ceded to and vested in the United States of America as fully, absolutely, and to the same extent as this Commonwealth now holds and is entitled to the same: *Provided*, That the Commonwealth may reoccupy and repossess the same as they have occupied and possessed the same heretofore whenever the United States of America shall cease to occupy the same for military purposes as a fort, magazine, arsenal, or with other needful buildings for the same: *And provided*, That the jurisdiction over the said premises in civil and criminal cases be the same as before the passing of this resolution." (Act approved April 6, 1849.)

FORT MIFFLIN.

This reservation contains an area of 317 acres, and is situated in the Delaware River, near League Island, within the corporate limits of the City of Philadelphia. The title is as follows:

1. Act of the State Legislature approved April 15, 1795, ceding to the United States an island in the Delaware River, called "Mud Island."

2. Deed from the Philadelphia Board of Health to the United States, dated August 5, 1808, conveying "The Lazaretto" lands on State Island containing 6 acres 3 roods and 25 perches of land. Deed recorded in Book E F, No. 31, page 320, etc., of the deed records of the City and County of Philadelphia. (Sale authorized, without specifying to whom, by act of the State Legislature approved February 14, 1801.)

3. Deed from John W. Ashmead and wife to the United States, dated March 23, 1851, conveying 98 acres and 11 perches of land. Deed recorded in Book G W C, No. 91, page 491, etc., of the deed records of the City and County of Philadelphia.

By authority of an act of Congress approved January 6, 1893, the area of this reservation was reduced by a sale of 49.707 acres of the lands purchased from John W. Ashmead.

Jurisdiction over Mud Island was ceded to the United States by an act of the State Legislature as cited above, which act is as follows:

AN ACT to cede to and vest in the United States of America the island commonly called Mud Island.

"SECTION 1. *Be it enacted, etc.*, That all the right, title, property, and interest of this Commonwealth in and to the island commonly called Mud Island, situate in the River Delaware, together with all the improvements thereon erected, placed, or being, shall be, and hereby are, ceded to and vested in the United States of America, as fully, absolutely, and to the same extent, as this Commonwealth now holds and is entitled in and to the same: *Provided Always, Nevertheless*, That if the said United States shall not accept the same within one year from the passing of this act, then, and in that case, the cession hereby made shall be absolutely void, and of no effect: *Provided further*, That the State of Pennsylvania may at all times occupy the said island and fortifications, whenever the same shall not be possessed by a military force under the United States: *And provided further*, That the jurisdiction of the State of Pennsylvania over the said island, in civil and criminal cases, be the same as before the passing of this act." (Act approved April 15, 1795.)

Cessions of jurisdiction over portions of the reservation acquired subsequently to the cession of Mud Island have not been found.

NATIONAL MILITARY PARK, GETTYSBURG BATTLEFIELD.

This reservation contains an area, at this date (January 4, 1898), of about 850 acres 32 perches and 515 square feet of land. It embraces the most prominent portions of the lands upon which the battle of Gettysburg was fought on July 1, 2, and 3, 1863, and is situated near the town of Gettysburg, in Adams County. Steps were taken to preserve the site and mark with suitable monuments the positions occupied by the Union troops during the battle, by Acts and Resolution of Congress as follows:

Acts approved March 3, 1873; June 9, 1880; March 3, 1887; August 1, 1888; October 2, 1888; March 2, 1889; March 3, 1893. Resolution passed June 5, 1894. Acts approved August 18, 1894; February 11, 1895, and June 10, 1896, the Act of February 11, 1895, being "An Act to establish a National Military Park at Gettysburg, Pennsylvania."

The title to lands so far acquired is as follows:

1. Deed from The Gettysburg Battlefield Memorial Association to the United States, dated February 4, 1896, conveying 124 tracts of land, aggregating 521.77 acres. Deed recorded in Book X X, page 149, etc., of the deed records of Adams County.

2. Deed from Heirs of Mary Jane Weikert to the United States, dated August 8, 1893, conveying 41,920 square feet of land. Deed recorded in Book T T, page 377, etc., of the deed records of Adams County.

3. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 420, etc., of the deed records of Adams County.

4. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 402, etc., of the deed records of Adams County.

5. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book Vol. T T, page 416, etc., of the deed records of Adams County.

6. Deed from David Zentz and wife to the United States, dated July 14, 1893, conveying 33,495 square feet of land. Deed recorded in Book T T, page 383, etc., of the deed records of Adams County.

7. Deed from John A. Wolfe and wife to the United States, dated July 14, 1893, conveying 24,618 square feet of land. Deed recorded in Book T T, page 393, etc., of the deed records of Adams County.

8. Deed from William H. Heagey and wife to the United States, dated July 14, 1893, conveying 12,065 square feet of land. Deed recorded in Book T T, page 390, etc., of the deed records of Adams County.

9. Deed from William H. Heagey and wife to the United States, dated July 14, 1893, conveying 3.55 acres. Deed recorded in Book T T, page 391, etc., of the deed records of Adams County.

10. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 53,060 square feet of land. Deed recorded in Book T T, page 404, etc., of the deed records of Adams County.

11. Deed from Jacob Masonheimer to the United States, dated June 27, 1893, conveying 25,800 square feet of land. Deed recorded in Book T T, page 385, etc., of the deed records of Adams County.

12. Deed from Isaiah A. Trostle, Attorney in fact, etc., to the United States, dated June 27, 1893, conveying 88,625 square feet of land. Deed recorded in Book T T, page 426, etc., of the deed records of Adams County.

13. Deed from Gettysburg Battlefield Memorial Association to the United States, dated July 12, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 400, etc., of the deed records of Adams County.

14. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 412, etc., of the deed records of Adams County.

15. Deed from Widow and Heirs of John Bender to the United States, dated July 10, 1893, conveying 851 square feet of land. Deed recorded in Book T T, page 424, etc., of the deed records of Adams County.

16. Deed from Samuel M. Bushman to the United States, dated June 7, 1893, conveying 12,000 square feet of land. Deed recorded in Book T T, page 399, etc., of the deed records of Adams County.

17. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land.

Deed recorded in Book T T, page 414, etc., of the deed records of Adams County.

18. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 406, etc., of the deed records of Adams County.

19. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 408, etc., of the deed records of Adams County.

20. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 410, etc., of the deed records of Adams County.

21. Deed from Gettysburg Battlefield Memorial Association to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 418, etc., of the deed records of Adams County.

22. Deed from John H. Miller and wife to the United States, dated June 2, 1893, conveying 16,860 square feet of land. Deed recorded in Book T T, page 422, etc., of the deed records of Adams County.

23. Deed from Anna L. Young and husband to the United States, dated June 7, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 397, etc., of the deed records of Adams County.

24. Deed from George Spangler and wife to the United States, dated June 8, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 395, etc., of the deed records of Adams County.

25. Deed from J. Emory Bair and wife to the United States, dated June 27, 1893, conveying 625 square feet of land. Deed recorded in Book T T, page 381, etc., of the deed records of Adams County.

26. Deed from Wellington J. Swope and wife to the United States, dated June 28, 1893, conveying 57,230 square feet of land. Deed recorded in Book T T, page 388, etc., of the deed records of Adams County.

27. Deed from Melchoir Wolf and wife to the United States, dated June 28, 1893, conveying 10,300 square feet of land. Deed recorded in Book T T, page 386, etc., of the deed records of Adams County.

28. Deed from Charles F. Starner and wife to the United States, dated November 23, 1893, conveying 5.16 acres of land. Deed recorded in Book U U, page 148, of the deed records of Adams County.

29. Deed from James A. Felix and wife to the United States, dated November 24, 1893, conveying 0.75 acre of land. Deed recorded in Book U U, page 150, etc., of the deed records of Adams County.

30. Deed from Agnew Crawford et al. to the United States, dated February 5, 1894, conveying 46 acres and 147 perches of land. Deed recorded in Book U U, page 449, etc., of the deed records of Adams County.

31. Deed from W. Nelson Flaherty and wife to the United States, dated November 13, 1894, conveying 0.55 acre of land. Deed recorded in Book V V, page 70, etc., of the deed records of Adams County.

32. Deed from Simon J. Codori and wife to the United States, dated November 13, 1894, conveying 0.61 acre of land. Deed recorded in Book V V, page 72, etc., of the deed records of Adams County.

33. Deed from George W. Wolf and wife to the United States, dated November 15, 1894, conveying 0.06 acre of land. Deed recorded in Book V V, page 74, etc., of the deed records of Adams County.

34. Deed from George J. Benner to the United States, dated April 2, 1894, conveying 161 acres and 7 perches of land, with reservations. Deed recorded in Book U U, page 339, etc., of the deed records of Adams County.

35. Deed from Sarah A. C. Plank and husband to the United States, dated August 28, 1894, conveying 1.88 acres of land. Deed recorded in Book U U, page 541, etc., of the deed records of Adams County.

36. Deed from J. O. Blocker and wife to the United States, dated September 29, 1894, conveying 7.12 acres of land. Deed recorded in Book U U, page 579, etc., of the deed records of Adams County.

37. Deed from L. E. Kumerant and wife et al. to the United States, dated March 30, 1895, conveying 0.71 acre of land. Deed recorded in Book V V, page 347, etc., of the deed records of Adams County.

38. Deed from Maria S. Shultz to the United States, dated April 11, 1895, conveying 0.04 acre of land. Deed recorded in Book V V, page 474, etc., of the deed records of Adams County.

39. Deed from John B. McPherson to the United States, dated April 30, 1895, conveying 58 acres and 29 perches of land. Deed recorded in Book V V, page 477, etc., of the deed records of Adams County.

40. Deed from Oscar D. McMillan and wife to the United States, dated June 15, 1895, conveying 1.7 acres of land. Deed recorded in Book V V, page 570, etc., of the deed records of Adams County.

41. Deed from Calvin Gilbert and wife to the United States, dated July 2, 1895, conveying 632 square feet of land. Deed recorded in Book V V, page 564, etc., of the deed records of Adams County.

42. Deed from The Theological Seminary of the General Synod of the Evangelical Lutheran Church in the United States to the United States, dated July 18, 1895, conveying 1.68 acres of land. Deed recorded in Book V V, page 562, etc., of the deed records of Adams County.

43. Deed from Selma J. Drum and husband to the United States, dated August 13, 1895, conveying 0.1 acre of land. Deed recorded in Book W W, page 193, etc., of the deed records of Adams County.

44. Deed from James A. Felix and wife to the United States, dated September 2, 1895, conveying 0.048 acre of land. Deed recorded in Book V V, page 560, etc., of the deed records of Adams County.

45. Deed from Lucinda B. Bushman and husband to the United States, dated September 13, 1895, conveying 9.42 acres of land. Deed recorded in Book W W, page 167, etc., of the deed records of Adams County.

46. Deed from J. E. Bair and wife to the United States, dated October 10, 1895, conveying 0.11 acre of land. Deed recorded in Book W W, page 169, etc., of the deed records of Adams County.

47. Deed from John B. Whitney et al., Executors, etc., to the United States, dated November 7, 1895, conveying 1,900 square feet of land. Deed recorded in Book W W, page 498, etc., of the deed records of Adams County.

48. Deed from The Gettysburg Water Company to the United States, dated November 16, 1895, conveying 400 square feet of land. Deed recorded in Book W W, page 501, etc., of the deed records of Adams County.

49. Deed from J. L. Sherfy and wife to the United States, dated December 21, 1895, conveying 400 square feet of land. Deed recorded in Book W W, page 333, etc., of the deed records of Adams County.

50. Deed from The Gettysburg Battlefield Memorial Association to the United States, dated April 8, 1896, conveying 0.31 acre of land.

Deed recorded in Book X X, page 267, etc., of the deed records of Adams County.

51. Deed from Amos Leister and wife to the United States, dated May 20, 1896, conveying 0.059 acre of land. Deed recorded in Book X X, page 216, etc., of the deed records of Adams County.

52. Deed from The Gettysburg and Harrisburg Railway Company to the United States, dated June 5, 1896, conveying 8.42 acres of land. Deed recorded in Book X X, page 341, etc., of the deed records of Adams County.

53. Deed from William Patterson and wife to the United States, dated June 29, 1896, conveying 1.13 acres of land. Deed recorded in Book X X, page 302, etc., of the deed records of Adams County.

54. Deed from George F. Basehore and wife to the United States, dated August 21, 1896, conveying 0.12 acre of land. Deed recorded in Book X X, page 425, etc., of the deed records of Adams County.

55. Deed from George Spangler and wife to the United States, dated October 8, 1897, conveying 625 square feet of land. Deed recorded in Book Y Y, page 379, etc., of the deed records of Adams County.

56. Deed from Nathaniel Lightner and wife to the United States, dated October 22, 1897, conveying 0.012 acre of land. Deed recorded in Book Y Y, page 414, etc., of the deed records of Adams County.

57. Deed from Samuel O. Robinson and wife to the United States, dated November 13, 1897, conveying 8 acres and 22 perches of land with reservations. Deed recorded in Book Z Z, page 55, etc., of the deed records of Adams County.

58. Deed from Samuel M. Bushman to the United States, dated December 16, 1897, conveying 8.964 acres of land. Deed recorded in Book Z Z, page 53, etc., of the deed records of Adams County.

Jurisdiction was ceded to the United States by acts of the State Legislature, approved May 7, 1889, and June 26, 1895, as follows:

"Whereas Legislation is required to enable the United States to obtain title to property within the Commonwealth of Pennsylvania for the purpose of erecting monuments or tablets to mark the position occupied by the several commands of the Army of the United States engaged at the battle of Gettysburg, and to enable the government of the United States to properly indicate and mark positions held by federal and confederate armies during said battle, and for the preservation, for historical and other purposes, of the said battlefield; therefore,

"SECTION 1. *Be it enacted, etc.*, That the consent of the Commonwealth of Pennsylvania is hereby given to the acquisition, by the United States, of such pieces and tracts of land situated upon and in the neighborhood of the battlefield of Gettysburg, in the State of Pennsylvania, as may be selected by the Secretary of War, or such officer as he may direct, for the purpose of erecting monuments or tablets for the proper marking of the positions of each of the several commands of the army of the United States engaged in the battle of Gettysburg, for opening and constructing roads and avenues, in connection with the positions occupied by the federal or confederate forces engaged in said battle, for the preservation of the grounds covered by said battlefield for historical and other purposes, and for making such other improvements in connection with said battlefield as the Government of the United States may, from time to time deem proper. For the purposes aforesaid, the United States shall have, hold, use, occupy and own said lands, when purchased or acquired, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

"SEC. 2. The jurisdiction of the State of Pennsylvania in and over the said lands, when acquired by the United States, shall be, and the same is hereby, ceded to the United States and shall continue so long as the said lands shall remain the property of the United States, and no longer, and the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied under the authority of this Commonwealth: *Provided, however*, That the Commonwealth of Pennsylvania shall, and hereby does, retain concurrent jurisdiction with the United States, in and over said lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the authority of the State of Pennsylvania against any person or persons charged with crimes or misdemeanors, committed within said State, including said lands, may be executed therein in the same manner as if consent to acquisition had not been given, or jurisdiction ceded, except so far as such process may affect the personal or real property of the United States."

(Sections 3 and 4 provide for the condemnation of property where the United States can not agree with the owner as to price, etc.) (Act approved May 7, 1889.)

AN ACT to cede jurisdiction to the United States over certain public roads within the National Park at Gettysburg, Pennsylvania.

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction of this Commonwealth is hereby ceded to the United States of America over the public roads, and parts of the same hereinafter specified and described, included within the limits of the National Park at Gettysburg, as defined by the act of Congress, entitled 'An Act to establish a National Military Park at Gettysburg, Pennsylvania,' approved February eleven, one thousand eight hundred and ninety five, to wit:

"First. That part of the public road known as the Carlisle road, extending from the borough line of Gettysburg northward by the various courses of said road five thousand six hundred feet to the boundary of the aforesaid National Park, as defined in the said act of Congress.

"Second. That part of the public road known as the Newville or Bendersville road, extending from its junction with the aforesaid Carlisle road northwestward two thousand four hundred feet to the boundary of the aforesaid National Park.

"Third. That part of the public road known as the Harrisburg or Heidlersburg road, extending from the borough line of Gettysburg northward by the various courses of said road five thousand two hundred and fifty feet to the boundary of said National Park.

"Fourth. That part of the public road known as the Hunterstown road, extending from its junction with the York pike, near Gettysburg, northeastward three thousand six hundred and ninety feet to the boundary of the aforesaid National Park.

"Fifth. That part of the public road known as the Hanover road, extending from the borough line of Gettysburg at Rock Creek southeastward five thousand seven hundred feet to the boundary of said National Park.

"Sixth. That part of the public road known as the Taneytown road, extending from the borough line of Gettysburg southward nine thousand four hundred feet to the boundary of the aforesaid National Park.

"Seventh. That public road connecting the Taneytown road and the Baltimore pike, extending from the Taneytown road at the common corner of Patterson and Baker's lands on that road eastward by sundry courses four thousand three hundred feet to the Baltimore pike near McAllister's Hill.

"Eighth. That public road known as the Wheatfield road, extending from its junction with the Taneytown road at Sedgwick Post-Office westward by sundry courses and crossing the Emmitsburg road and Confederate Avenue eight thousand five hundred and fifty feet to the boundary of the aforesaid National Park near the southwest corner of Martin's Woods.

"Ninth. That part of the public road known as the Emmitsburg road, extending from the crossing of the Wheatfield road at the Peach Orchard southwestward seven thousand eight hundred feet or more to the boundary of the aforesaid National Park.

"Tenth. That part of the public road known as the Hagerstown road, extending from the borough line of Gettysburg southwestward six thousand two hundred feet to the boundary of the aforesaid National Park.

"Eleventh. That part of the public road known as the Herster's Mill road, which begins at the Hagerstown road about a furlong west of Reynolds Avenue, extending thence northwestward by sundry courses, and crossing Willoughby run, four thousand feet to the boundary of the aforesaid National Park.

"Twelfth. That part of the public road which begins at the Chambersburg pike at Herr's tavern, extending thence southward two thousand feet to the boundary of the aforesaid National Park.

"Thirteenth. That part of the public road known as the Mummasburg road, extending from the borough line of Gettysburg northwestward six thousand three hundred feet to the boundary of the aforesaid National Park.

"Fourteenth. That public road connecting the Mummasburg road with the Chambersburg pike, beginning at the Mummasburg road on the summit of Seminary Ridge and extending thence southward by sundry courses three thousand eight hundred feet, crossing the railroad just east of where the Fifty-sixth Pennsylvania regiment fired the first musket in the battle, to the Chambersburg pike, about a furlong from where Reynolds fell: *Provided, nevertheless*, That this cession is upon the express condition that the Commonwealth of Pennsylvania so far retains concurrent jurisdiction with the United States over said roads and parts of roads above described, as that all civil and criminal process issued under the authority of this Commonwealth may be executed thereon in like manner as if this act had not been passed: *Provided further*, That all offenses against the criminal laws of Pennsylvania upon said roads or parts of roads shall remain, as before, cognizable in the Courts of this Commonwealth, but nothing herein contained shall in anywise interfere with the jurisdiction of the United States over any matter embraced in the act of Congress establishing said National Park, approved February eleventh, one thousand eight hundred and ninety-five, nor with any laws, rules or regulations which have been or may be adopted by the Government of the United States for the preservation and protection of its property and rights on said ceded roads and parts of roads, and proper maintainance of good order thereon."

(Act approved June 26, 1895.)

See Appendix, page 280–281.

GETTYSBURG NATIONAL CEMETERY.

This reservation contains an area of 17 acres, and is situated at Gettysburg, in Adams County. The title is as follows:

Deed from David Wills, President of Soldiers' National Cemetery, to the United States, for the Soldiers' National Cemetery at Gettysburg,

Pa., dated April 18, 1872, conveying said 17 acres of land. Deed recorded in Book D D, folio 216, etc., of the deed records of Adams County.

Cession of jurisdiction implied by an act of the State Legislature giving consent to the acquisition by the United States of said Cemetery property, approved April 14, 1868, which act provides as follows:

"Whereas, By an act of the Thirty-ninth Congress of the United States, entitled 'An Act to establish and protect National Cemeteries,' approved February twenty-second, one thousand eight hundred and sixty-seven, Congress has adopted a uniform system for the management and care of all the soldiers' national cemeteries throughout the United States, and made provision for their maintainance: therefore,

"SECTION 1. *Be it enacted, etc.*, That the board of commissioners having charge and care of the Soldiers' National Cemetery at Gettysburg, are hereby authorized and empowered to transfer all the right, title, interest and care of said Soldiers' National Cemetery, upon the completion of the same, to the government of the United States, the Commonwealth of Pennsylvania hereby ceding and relinquishing to the United States all its title to the grounds and property of the said cemetery, vested in it for the States which participated in the establishment of said National Cemetery; this cession being made upon the condition that the United States Government take upon itself the management and care of the said cemetery, and make provision for its maintainance.

* * * * * * *

"SEC. 3. That the governor of this Commonwealth is hereby authorized and empowered to do all acts and execute all papers upon behalf of this Commonwealth, necessary to consummate the cession, and to cause a copy of this act to be forwarded to the governors of the several States who have appointed Commissioners, and also to the board of Commissioners having charge of The Soldiers' National Cemetery at Gettysburg, and to the President, the Senate and House of Representatives of the United States."

* * * * * * *

(Act approved April 14, 1868.)

PHILADELPHIA NATIONAL CEMETERY.

This reservation contains an area of 13 acres 1 rood and 11.7 perches of land, and is situated at Germantown, within the corporate limits of the City of Philadelphia, being the west corner of Haines Street and Limekiln Turnpike Road in Twenty-second Ward of said City. The title is as follows:

Deed from Henry G. Freeman and wife to the United States, dated January 26, 1885, conveying above tract. Deed recorded in Book G. G. P., No. 20, page 127, etc., of the deed records of the City and County of Philadelphia.

MECHANICS' CEMETERY.

(Soldiers' lot.)

This reservation embraces Lots 1, 2, 3, 4, 5 and 6, in Division B, Section 14, of Mechanics' Cemetery, and is situated in what was formerly Islington Park, in Penn Township, now City of Philadelphia. The title is as follows:

Deed from The United American Mechanics and United Daughters

of America Cemetery Association to the United States, dated October 16, 1874, conveying the above-described property, with right of way, etc.

ODD FELLOWS' CEMETERY.

(Soldiers' lot.)

This reservation contains an area of about 9,040 square feet of land and is situated in Odd Fellows' Cemetery on north side of Islington Lane, in Penn Township, now City of Philadelphia. The title is as follows:

Deed from the Odd Fellows' Cemetery Company of Philadelphia to the United States, dated April 27, 1868, conveying above property. Deed recorded in Book J T O No. 151, page 354, etc., of the deed records of the City and County of Philadelphia.

LEBANON CEMETERY.

(Soldiers' lot.)

This reservation contains an area of about 4,480 square feet, and is situated in The Lebanon Cemetery of Philadelphia, in the City of Philadelphia. The title is as follows:

Deed from Jacob C. White and wife to the United States, dated June 1, 1867, conveying 56 Lots in Section D, of The Lebanon Cemetery of Philadelphia, numbered 195 to 202, inclusive; 211 to 218, inclusive; 227 to 234, inclusive; 243 to 250, inclusive; 259 to 266, inclusive; 275 to 282, inclusive; and 291 to 298, inclusive; containing about 4,480 square feet of land. Deed recorded in Book J T O No. 60, page 15, etc., of the deed records of the City and County of Philadelphia.

LAFAYETTE CEMETERY.

(Soldiers' lot.)

This Lot is situated in The LaFayette Cemetery in the City of Philadelphia, and is known and designated as Lot No. 42, containing 80 square feet of land. The title is as follows:

Deed from Mary Sutherland et al. to Burton Kollock; Assigned by Burton Kollock to the Union Volunteer Refreshment Saloon Committee, and by the latter assigned to the United States, June 7, 1875, transferring above Lot. Deed recorded in Book F T W No. 231, page 342, etc., of the deed records of the City and County of Philadelphia.

PRESQUE ISLE.

This reservation contains an area of about 2,024 Acres, and is a peninsula lying to the northward of and inclosing the bay of Presque Isle, commanding the entrance to the harbor of Erie, in Erie County. The title is as follows:

Deed from "The Marine Hospital of Pennsylvania" to the United States, dated May 25, 1871, conveying the above 2,024 acres of land. Deed recorded in Book No. 40, page 634, etc., of the deed records of Erie County.

Consent to the purchase of said land by and jurisdiction ceded to the United States by acts of the State Legislature approved April 18, 1795, and May 11, 1871, which acts provide as follows:

"SEC. 3. *And be it further enacted, etc.*, That the said Commissioners shall also survey or cause to be surveyed, previously to and exclusively

of the survey of the said town lots and outlots, one lot of sixty acres on the southern side of the harbor of Presque Isle one moiety thereof upon the bank, and the other moiety below the bank comprehending the point at the entrance of the harbor, one lot of thirty acres on the peninsula, at or near the entrance of the harbor, and one other lot on the peninsula, to contain one hundred acres, for the accommodation and use of the United States, in erecting and maintaining forts, magazines, arsenals and dockyards thereon, and in such other improvements as the United States may judge proper to make for their advantage and convenience; and the situations and forms of the said three lots shall be chosen and fixed with a special reference to the uses aforesaid by the said Commissioners, and the engineer who shall be employed by the United States, if any such shall be appointed and shall attend for that purpose; and the said Commissioners shall with all convenient despatch, return and file in the office of the Secretary of the Commonwealth, a draft of the location and survey of the said three last-mentioned lots, and the said draft being approved by the Governor, and recorded by the Secretary, shall be deposited in the office of the Surveyor-General, and it shall be lawful for the United States at any time thereafter to take possession of and occupy the said three last-mentioned lots, and thereon to erect, establish and maintain all necessary forts, magazines, arsenals and dockyards, and to make such other improvements thereon, as they may judge proper, and the same to continue to possess, occupy and hold so long as they shall deem it expedient to maintain and shall actually maintain a fort, garrison or other military establishment at or near Presque Isle and no longer: *Provided, Always*, That if the Mill seats on the creek running near the ruins of the old French fort should fall within the cessions hereby made to the United States, the same shall nevertheless be, and hereby are, reserved for the use of this State with the right of erecting mills thereon, but no buildings, mills excepted, shall be erected within six hundred yards of the centre of any fort which shall be erected by the United States, on either of the lots ceded to them as aforesaid: *Provided also*, That it shall be lawful to lay out and open convenient roads through such parts of the said three lots as the reasonable accommodation of the State or its citizens may require without injury to the United States, with respect to the object of the cession; and it is the express intent and meaning of this act, that nothing herein contained shall be deemed, construed, or in any wise taken to cede and transfer unto the United States the jurisdiction or right of soil in and to the said three last-mentioned lots, but only the occupancy and use thereof for the purposes aforesaid." (Act approved April 18, 1795.)

"SECTION 1. *Be it enacted, etc.*, That the sum of thirty thousand dollars is hereby appropriated to the Marine Hospital at Erie, for the purpose of fitting the building for the reception of patients and paying the debt of the corporation, but only on the condition that the said Marine Hospital Corporation shall reconvey to the State of Pennsylvania, by good and sufficient deeds, to be approved by the Attorney-General, all lands in any granted to said Marine Hospital by its act of incorporation, approved March twenty-second, Anno Domini, one thousand eight hundred and sixty-seven, and the buildings now thereon, with the appurtenances, to be held by the State for the uses and purposes defined in said act incorporating the Marine Hospital at Erie, and on the further condition that said Marine Hospital Corporation shall convey to the United States of America all title it may have to the Peninsula of Presque Isle, obtained from the State of Pennsyl-

vania by act of February fourth, Anno Domini. one thousand eight hundred and sixty-nine, entitled 'A supplement to an act incorporating the Marine Hospital at Erie,' to be held by said United States, as near as may be, in its present condition, and only for the purposes of national defence and for the protection of the harbor of Erie, but in all other respects to be subject to the civil and criminal jurisdiction of the State of Pennsylvania; and the consent of the State of Pennsylvania is hereby given to such transfer of title, only for the purposes and under the limitations hereinbefore mentioned." * * * (Act approved May 11, 1871.)

The deed from "The Marine Hospital of Pennsylvania" was accepted under the following Act of Congress:

AN ACT to authorize the Secretary of War to accept the peninsula in Lake Erie, opposite the harbor of Erie, in the State of Pennsylvania.

"*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and empowered to receive and accept from "The Marine Hospital of Pennsylvania," a corporation duly incorporated by the Commonwealth of Pennsylvania, the title to a piece or parcel of land, being the peninsula lying to the northward of and inclosing the bay of Presque Isle, and containing two thousand and twenty-four acres, more or less, to be held by the Government of the United States for the protection of the harbor of Erie: *Provided*, That the deed conveying the same shall not be received or accepted until the title to the same is complete and indefeasible, nor unless the acceptance thereof shall be recommended by a board of officers of the corps of engineers appointed by the President." (Approved May 27, 1872.)

PROSPECT HILL CEMETERY.

(Soldiers' Lot.)

This reservation is known as Lot No. 689, Section A, in Prospect Hill Cemetery. It is situated about one-fourth of a mile north of the borough of York, on the west side of the Harrisburg Turnpike road, in York County.

The title is evidenced by a certificate issued under the seal of the Trustees of the Prospect Hill Cemetery, signed by William A. Wilt, President, and W. Butzel, Secretary, a copy of which is on file in the office of the Judge-Advocate-General at Washington, D. C.

RURAL CEMETERY.

(Soldiers' Lot.)

This reservation contains an area of about 6,400 square feet, and is situated in Chester Rural Cemetery, in Delaware County. The title is as follows:

Certificate from The Chester Rural Cemetery Association as to the ownership by the United States of Lots 214, 215, 216, 217, 221, 222, 223, and 224 in Section L, containing 1,600 square feet of land, being the lot where deceased Union Soldiers are buried; and also another lot, described by metes and bounds, containing 4,800 square feet of land, being the lot set apart and used as a burial plat for deceased Confederate prisoners of war. Certificate dated February 14, 1868, and recorded June 24, 1868, in Book W, No. 2, page 83, etc., of the deed records of Delaware County.

in behalf of the United States; Provided, that no such purchase shall be made where such land is the property of a State:

"SECTION 1. *Be it therefore enacted, etc.*, That there be, and is hereby, granted unto the United States of America, all the right, title and claim of this State to the lands on which the fortifications on Goat Island, in the Township of Newport, stand, together with the circumjacent lands, which have been heretofore improved by the State for the purposes of defense.

"SEC. 2. *And be it further enacted*, That it shall and may be lawful for the Town of Newport, or any other town in this State, or any individual person in this State, by and with the consent of his Excellency the Governor, to sell and dispose of to the President of the United States, for the use of the United States, all such lands as shall be deemed necessary to erect fortifications upon, for the defense of the Port and Harbor of Newport, and to execute deeds thereof in due form of law; and if the town of Newport, or any other town, or any individual, shall not agree with the person or persons who may be appointed by the President of the United States to purchase such lands, or the value thereof, then and in such case his Excellency, the Governor, is hereby empowered to appoint three suitable persons to appraise the said lands, and upon payment of the value thereof at such appraisement, or upon the tender thereof being refused, the fee and property of such lands shall vest in the United States.

"SEC. 3. *Provided nevertheless, and be it further enacted*, that all civil and criminal processes issued under the authority of this State, or any Officer thereof, may be executed on the lands which may be so ceded, and within the fortifications which may be thereon erected, in the same way and manner as if such lands had not been ceded as aforesaid." (Act passed at the March Session, 1794.)

"Whereas one hundred and sixteen acres and three quarters of an acre and twenty rods of land situate on Brentons neck adjoining land of the United States on which Fort Adams now stands have been deemed necessary to be possessed by the United States, for the purpose of increasing the defense of Narragansett Bay; and whereas an application has been made by the Secretary of War of the United States for and in behalf of the United States for the passage of an act ceding to the United States the jurisdiction thereof:

"SECTION 1. *Be it therefore enacted, etc.*, That it shall and may be lawful for the proprietors of said one hundred and sixteen acres and three quarters of an acre and twenty rods of land (to wit: Audley Clarke, Joshua Peckham and Augustus Peckham, Thomas Sessions and Elizabeth his wife and Benjamin Waite Case and Sarah his wife) to sell and convey to the United States said one hundred and sixteen acres and three quarters of an acre and twenty rods of land."

"SEC. 2. *And be it further enacted*, That there be, and hereby is, granted to the United States the jurisdiction of said one hundred and sixteen acres and three quarters of an acre and twenty rods of land, with the shores adjoining the same to low-water mark, which said land is to be bounded according to the limits thereof designated in a plat of the same on file in the Secretary's Office, and which was transmitted to his Excellency the Governor of this State under cover of a letter from said Secretary of War dated May the 19, 1824, and as the same may be described in the deeds to be given thereof by the owners aforesaid: *Provided, nevertheless*, that all civil and criminal process issued under the authority of this State may be executed on said land or in

any tenements to be erected thereon in the same way and manner as if the jurisdiction thereof had not been ceded as aforesaid." (Act passed at May Session, 1824.)

DUMPLINGS (FORT AT).

This reservation contains an area of 6 acres 2 roods and 5 perches of land and is situated near Jamestown in the County of Newport. The title is as follows:

Deed from Ebenezer Sherman to John Adams, President of the United States, and his successors in office, dated November 26, 1799. Deed indorsed as follows:

"State of Rhode Island, &c., 26th November, 1799. I hereby consent to the sale and disposal of the land within granted to the President of the United States, for the use of the United States, it being deemed necessary to erect fortifications thereon for the defense of the Port and Harbor of Newport." Signed "A. Fenner, Gov'r."

Deed with indorsement recorded in Jamestown Book for Land Evidence, No. 4, pages 88, 89, and 90, at Jamestown, May 3, 1800. For act of Legislature providing for consent to sale and ceding jurisdiction see act passed March Session, 1794, set out under "Fort Adams."

DUTCH ISLAND.

This reservation contains an area of about 80 acres and is situated in the western entrance to Narragansett Bay, 3½ miles north of Beaver Tail, 4½ miles due west from the City of Newport, 23 miles south of Providence, and midway between the mainland on the west and Conanicut Island on the east, in Newport County. The title is as follows:

Deed from J. H. Carpenter and wife to the United States, dated January 1, 1864, conveying all the island called "Dutch Island" (except a tract of about 6 acres now owned by the United Stated, heretofore conveyed for Light-House), containing 75 acres more or less. Deed recorded in Jamestown, Sixth Book of Land Evidence, pages 256 and 257, August 6, 1866. Jurisdiction was ceded to the United States by an act of the State Legislature passed January 18, 1865, which provides as follows:

"SECTION 1. Jurisdiction over all of the lands at the entrance of Narragansett Bay, known as Dutch Island, purchased by the United States is hereby ceded to the United States: *Provided, nevertheless*, That all civil and criminal process, issued under the authority of this State, shall continue to run into and be served and executed in and upon said tract of land, and all parts thereof, in the same manner as if the jurisdiction had not been granted as aforesaid."

FORT GREENE.

This reservation contains an area of 20,000 square feet, and is situated in the City of Newport, in the County of Newport, on what is called "Easton's Point," and embraces Lots 9, 10, 11, and 12 of the second division on said Easton's Point. The title is as follows:

1. Deed from William V. King to John Adams, President of the United States, and his successors in office, dated August 29, 1799, conveying Lots 11 and 12 above noted, subject to an annual payment of 3

in behalf of the United States; Provided, that no such purchase shall be made where such land is the property of a State:

"SECTION 1. *Be it therefore enacted, etc.*, That there be, and is hereby, granted unto the United States of America, all the right, title and claim of this State to the lands on which the fortifications on Goat Island, in the Township of Newport, stand, together with the circumjacent lands, which have been heretofore improved by the State for the purposes of defense.

"SEC. 2. *And be it further enacted*, That it shall and may be lawful for the Town of Newport, or any other town in this State, or any individual person in this State, by and with the consent of his Excellency the Governor, to sell and dispose of to the President of the United States, for the use of the United States, all such lands as shall be deemed necessary to erect fortifications upon, for the defense of the Port and Harbor of Newport, and to execute deeds thereof in due form of law; and if the town of Newport, or any other town, or any individual, shall not agree with the person or persons who may be appointed by the President of the United States to purchase such lands, or the value thereof, then and in such case his Excellency, the Governor, is hereby empowered to appoint three suitable persons to appraise the said lands, and upon payment of the value thereof at such appraisement, or upon the tender thereof being refused, the fee and property of such lands shall vest in the United States.

"SEC. 3. *Provided nevertheless, and be it further enacted*, that all civil and criminal processes issued under the authority of this State, or any Officer thereof, may be executed on the lands which may be so ceded, and within the fortifications which may be thereon erected, in the same way and manner as if such lands had not been ceded as aforesaid." (Act passed at the March Session, 1794.)

"Whereas one hundred and sixteen acres and three quarters of an acre and twenty rods of land situate on Brentons neck adjoining land of the United States on which Fort Adams now stands have been deemed necessary to be possessed by the United States, for the purpose of increasing the defense of Narragansett Bay; and whereas an application has been made by the Secretary of War of the United States for and in behalf of the United States for the passage of an act ceding to the United States the jurisdiction thereof:

"SECTION 1. *Be it therefore enacted, etc.*, That it shall and may be lawful for the proprietors of said one hundred and sixteen acres and three quarters of an acre and twenty rods of land (to wit: Audley Clarke, Joshua Peckham and Augustus Peckham, Thomas Sessions and Elizabeth his wife and Benjamin Waite Case and Sarah his wife) to sell and convey to the United States said one hundred and sixteen acres and three quarters of an acre and twenty rods of land."

"SEC. 2. *And be it further enacted*, That there be, and hereby is, granted to the United States the jurisdiction of said one hundred and sixteen acres and three quarters of an acre and twenty rods of land, with the shores adjoining the same to low-water mark, which said land is to be bounded according to the limits thereof designated in a plat of the same on file in the Secretary's Office, and which was transmitted to his Excellency the Governor of this State under cover of a letter from said Secretary of War dated May the 19, 1824, and as the same may be described in the deeds to be given thereof by the owners aforesaid: *Provided, nevertheless*, that all civil and criminal process issued under the authority of this State may be executed on said land or in

any tenements to be erected thereon in the same way and manner as if the jurisdiction thereof had not been ceded as aforesaid." (Act passed at May Session, 1824.)

DUMPLINGS (FORT AT).

This reservation contains an area of 6 acres 2 roods and 5 perches of land and is situated near Jamestown in the County of Newport. The title is as follows:

Deed from Ebenezer Sherman to John Adams, President of the United States, and his successors in office, dated November 26, 1799. Deed indorsed as follows:

"State of Rhode Island, &c., 26th November, 1799. I hereby consent to the sale and disposal of the land within granted to the President of the United States, for the use of the United States, it being deemed necessary to erect fortifications thereon for the defense of the Port and Harbor of Newport." Signed "A. Fenner, Gov'r."

Deed with indorsement recorded in Jamestown Book for Land Evidence, No. 4, pages 88, 89, and 90, at Jamestown, May 3, 1800. For act of Legislature providing for consent to sale and ceding jurisdiction see act passed March Session, 1794, set out under "Fort Adams."

DUTCH ISLAND.

This reservation contains an area of about 80 acres and is situated in the western entrance to Narragansett Bay, 3½ miles north of Beaver Tail, 4½ miles due west from the City of Newport, 23 miles south of Providence, and midway between the mainland on the west and Conanicut Island on the east, in Newport County. The title is as follows:

Deed from J. H. Carpenter and wife to the United States, dated January 1, 1864, conveying all the island called "Dutch Island" (except a tract of about 6 acres now owned by the United Stated, heretofore conveyed for Light-House), containing 75 acres more or less. Deed recorded in Jamestown, Sixth Book of Land Evidence, pages 256 and 257, August 6, 1866. Jurisdiction was ceded to the United States by an act of the State Legislature passed January 18, 1865, which provides as follows:

"SECTION 1. Jurisdiction over all of the lands at the entrance of Narragansett Bay, known as Dutch Island, purchased by the United States is hereby ceded to the United States: *Provided, nevertheless*, That all civil and criminal process, issued under the authority of this State, shall continue to run into and be served and executed in and upon said tract of land, and all parts thereof, in the same manner as if the jurisdiction had not been granted as aforesaid."

FORT GREENE.

This reservation contains an area of 20,000 square feet, and is situated in the City of Newport, in the County of Newport, on what is called "Easton's Point," and embraces Lots 9, 10, 11, and 12 of the second division on said Easton's Point. The title is as follows:

1. Deed from William V. King to John Adams, President of the United States, and his successors in office, dated August 29, 1799, conveying Lots 11 and 12 above noted, subject to an annual payment of 3

ounces and 12 pennyweights of coined silver. Deed indorsed as follows:

"State of Rhode Island, &c., August —, 1799: I hereby consent to the sale and disposal of the land within mentioned to the President of the United States, it being deemed necessary to erect fortifications thereon, for the defence of the Port and Harbor of Newport. A. Fenner, Gov'r."

Deed with indorsement recorded in the Book of Land Evidence of Newport, November 9, 1799, at Newport.

2. Deed from Samuel King and wife to John Adams, President of the United States, and his successors in office, dated August 29, 1799, conveying Lots 9 and 10 above noted, subject to an annual payment of 3 ounces and 12 pennyweights of coined silver. Deed indorsed by the Governor, as per deed marked No. 1, supra, and recorded with the indorsement in the Book of Land Evidence of Newport, November 9, 1799, at Newport.

3. Deed from Richard Mitchell et al. to the United States, dated September 6, 1823, releasing all right to reserved rent, etc., to above lots.

For jurisdiction see act of the State Legislature, passed at the March Session, 1794, under title of "Fort Adams."

ROSE ISLAND.

This reservation contains an area of 20 acres, and is situated halfway between the City of Newport and Canonicut Island, in Narragansett Bay, in Newport County. The title is as follows:

1. Deed from Hannah Goddard et al. to John Adams, President of the United States, and his successors in office, dated August 20, 1799, conveying an undivided six undivided eight parts of Rose Island, containing in the whole about 20 acres. Deed indorsed as follows:

"State of Rhode Island, &c., August 12th, 1799: I hereby consent to the sale and disposal of the lands within mentioned to the President of the United States for the use of the United States, it being deemed necessary to erect fortifications thereon for the defense of the Port and Harbor of Newport. Arthur Fenner, Gov'r."

Deed with indorsement recorded in the Book of Land Evidence of Newport, August 22, 1799, at Newport.

2. Deed from Israel Ambrose, Guardian, etc., to John Adams, President of the United States, and his successors in office, dated August 20, 1799, conveying one undivided eighth part of Rose Island. Deed indorsed by the Governor as per deed marked No. 1, supra, and with said indorsement recorded in the Book of Land Evidence of Newport, August 22, 1799, at Newport.

3. Deed from Henry Goddard and wife to John Adams, President of the United States, and his successors in office, dated September 23, 1799, conveying one undivided eighth part of Rose Island. Deed indorsed by the Governor as per deed marked No. 1, supra, and recorded in the Book of Land Evidence of Newport, November 11, 1799, at Newport.

For jurisdiction, etc., see act of Legislature passed at the March Session, 1794, under the title of "Fort Adams."

FORT WOLCOTT (GOAT ISLAND).

This reservation embraces the whole of Goat Island, and is situated at the entrance to Newport Harbor from Narragansett Bay northeast

from Fort Adams and southeast from Rose Island, in Newport County. The title is as follows:

1. Act of the General Assembly of the State of Rhode Island, passed March, 1794, granting to the United States all the right, title, and claim of said State to the lands on which the fortifications on Goat Island stand, etc. (See Fort Adams for act.)

2. Deed from Edmund Townsend, Treasurer of Newport, etc., to John Adams, President of the United States, and his successors in office, dated April 16, 1799, conveying 10 acres on north end of Island. Deed recites that the consent of the Governor was first obtained. Deed recorded in the Book of Land Evidence of Newport, July 17, 1799, at Newport.

For jurisdiction see act passed at March Session, 1794, under the title of "Fort Adams."

SOUTH CAROLINA.

BEAUFORT NATIONAL CEMETERY.

This reservation contains an area of 65.07 acres, and is situated at Beaufort, in Beaufort County. The title is as follows:

1. By purchase at tax sale under authority of act of Congress approved February 6, 1863 (12 U. S. Stats., 640), the tract known as "Polly's Grove," containing 64 acres. Certified as sold to the United States for the direct tax due thereon, and signed by the United States Direct-Tax Commissioner May 8, 1868, and title approved by the Attorney-General of the United States March 25, 1869.

2. Lease for ninety-nine years by Town Council of Beaufort to the United States of Lot 124 in Beaufort Cemetery, containing 1.07 acres. Lease dated April 10, 1868, and recorded in Book No. 7, page 196, of the deed records of Beaufort County.

Jurisdiction seems to have been ceded to the United States by an act of the State Legislature passed at the session of 1871. See Session Laws of 1871, Chapter 14, page 535, Section 1, as set out in the Revised Statutes of South Carolina for 1893, Vol. 1, page 15, as follows:

"SEC. 9. The jurisdiction of the State of South Carolina is hereby ceded to the United States over so much land as is necessary for the public purposes of the United States; but the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the lands, by grant or deed, from the owner or owners thereof, and the evidences thereof shall have been recorded in the office where, by law, the title to such land is recorded. The United States are to retain such jurisdiction so long as such lands shall be used for the purposes aforementioned, and no longer; and such jurisdiction is granted upon the express condition that the State of South Carolina shall retain a concurrent jurisdiction with the United States in and over the said lands, so far as that civil process, in all cases not affecting the real or personal property of the United States, and such criminal or other process as shall issue under the authority of the State of South Carolina, against any person or persons charged with crimes or misdemeanors committed within or without the limits of the said lands, may be executed therein, in the same way and manner as if no jurisdiction had been thereby ceded.

"SEC. 10. All lands and tenements which may be granted, as aforesaid, to the United States shall be and continue, so long as the same shall be used for the purposes in the last section mentioned, exonerated

and discharged from all taxes, assessments and other charges which may be imposed under the authority of the State of South Carolina."

See Appendix, page 309.

BAY POINT.

This reservation contains an area of 126 acres, being all the land in the west half of Section 3, Township 3 South, and is situated north of the entrance to Port Royal Sound, in Beaufort County. The title is as follows:

As public lands belonging to the United States they were reserved for military purposes by Executive Order dated October 27, 1874.

No cession of jurisdiction, unless covered by the act of the State Legislature passed at the session of 1871, for which see Act set out under title of "Beaufort National Cemetery."

(The Bay Point reservation seems to have been bid in by an agent of the United States, for the United States, at a sale for direct taxes immediately at the close of the war of 1861, and while in the hands of the Tax Commissioners as the property of the United States was excepted from further disposition and set apart for military purposes. See Act of Congress approved July 16, 1866.)

CHARLESTON ARSENAL.

This reservation contains an area of 11.26 acres, and is situated on Charleston Neck, at Cannonsborough, now City of Charleston, in Charleston County; bounded by Bee, Thomas, Doughty, and President Streets of said City. The title is as follows:

Deed from the Common Council of the City of Charleston to the United States, dated May 17, 1841.

Consent to the sale and jurisdiction ceded to the United States by an act of the State Legislature passed December 18 and 19, 1838, as follows:

"1. That the consent of the State be, and is hereby, given to the purchase by the United States of a certain square of land in Charleston, now vested in the Corporation of that City, bounded by Thomas, Bee, President, and Doughty Streets and commonly known as the Potters' Field Burying Ground, Cannonsborough, if so much should be needed, in carrying out the plans now in progress, for extending and improving the United States Arsenal already established upon a part of that square.

"2. That when the purchase of said square is consummated for the purpose above specified, the authorities of the United States will occupy and exercise jurisdiction over it under the same rights and reservations as have before been stipulated with respect to other lands held by the Federal Government within the limits of this State for the erection of Forts, Magazines and Arsenals."

It would seem that consent to the purchase by the United States and a qualified cession of jurisdiction was granted under an act of the State Legislature passed December 12, 1794, which act is as follows:

AN ACT to enable the United States to purchase a quantity of land in this State not exceeding two thousand acres for Arsenals and Magazines:

"Whereas the late Secretary of State of the United States, in his letter to the late Governor of this State did request that he would take

proper measures for obtaining the consent of the Legislature of this State, that the United States should purchase a quantity of land in this State whereon Arsenals and Magazines might be erected.

"*Be it therefore enacted, etc.*, That the United States or such person or persons as may be by them authorized shall have a right to purchase in any part of this State that may be thought most eligible the Fee Simple of any quantity of land not exceeding 2,000 acres for the purpose of erecting arsenals and magazines thereon agreeably to the Act of Congress entitled 'An Act to provide for the erecting and repairing of Arsenals and Magazines and for other purposes' passed on the 2d day of April in the year of our Lord one thousand seven hundred and ninety-five.

"*And be it further enacted, etc.*, That if the person or persons whose land may be chosen for the above-mentioned purpose, should not be disposed to sell the same or if the persons appointed to make the purchase should not be able to agree upon terms with such owner or owners of the said land, the same shall be valued upon oath by a majority of persons to be appointed by the Court of Equity or Court of Common Pleas of this State for that purpose and the land shall be vested in the United States upon their paying the amount of such valuation to the owner or owners of such land.

"*And be it further enacted, etc.*, That the said land when purchased, and every person or officer residing or employed thereon, whether in the service of the United States or not, shall be subject and liable to the Government of this State and the Jurisdiction Laws, and the authority thereof, in the same manner as if this act had never been passed, and that the United States shall exercise no more authority or power within the limits of the said land than they might have done previous to the passing of this Act or than may be necessary for the building, repairing or internal government of the Arsenals and Magazines thereon to be erected, and the regulations and management of the same, and of the officers and persons by them to be employed in or about the same. *Provided always*, That the said land shall forever be exempt from any taxes to be paid to this State."

FLORENCE NATIONAL CEMETERY.

This reservation, containing an area of 3.76 acres, together with a right of way, is situated near Florence, in Darlington County. The title is as follows:

1. Deed from James B. Jarrott, Executor, etc., to the United States, dated January (1, 2, and 3), 1872, conveying 3.76 acres. Deed recorded in Book H H, page 231, etc., in the Office of Register of Mesne Conveyances for Darlington County.

2. Ordinance by the Intendant and Wardens of the Town of Florence granting to the United States right of way, etc., on streets leading toward Cemetery within the corporate limits of said town. Passed and ratified February 5, 1889.

3. Order and Resolution of County Court of Florence County granting to the United States right of way to National Cemetery, over County road, etc. The said road now being embraced within the limits of Florence County, by act of the State Legislature approved December 22, 1888. Order and Resolution adopted February 26, 1889.

4. Report of Special Road Commissioners giving increased width to roadway, confirmed by the County Court March 18, 1889.

Jurisdiction was ceded to the United States by an act of the State Legislature approved January 16, 1873, which act provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the jurisdiction of the State of South Carolina is hereby ceded to the United States of America over certain lands situated in the County of Darlington and near the town of Florence, known as the "National Cemetery;" *Provided*, That the jurisdiction hereby ceded shall not vest until the United States of America shall have acquired the title to the said lands by grant or deed from the owner or owners thereof, and the evidences of the same shall have been recorded in the office where by law the title to such lands is recorded; and the United States of America are to retain such jurisdiction so long as such lands shall be used for the purposes, in this Act mentioned, and no longer; and such jurisdiction is granted upon the express condition that the State of South Carolina shall retain a concurrent jurisdiction with the United States in and over the said lands so far as that civil process, in all cases not affecting the real or personal property of the United States, and such criminal or other process as shall issue under the authority of the State of South Carolina, against any person or persons charged with crimes or misdemeanors committed within or without the limits of said lands, may be executed therein in the same way and manner as if no jurisdiction had been ceded.

"SEC. 2. That all lands and tenements which may be granted as aforesaid, to the United States, shall be and continue, so long as the same shall be used for the purposes in this act mentioned, exonerated and discharged from all taxes, assessments and other charges which may be imposed under the authority of the State of South Carolina."

(See also Act of the State Legislature of 1871, under title of "Beaufort National Cemetery."

HILTON HEAD.

This reservation contains an area of 803 acres, and is situated south of the entrance to Port Royal Sound, in Beaufort County. The title is as follows:

As public lands belonging to the United States, they were reserved for military purposes by Executive Order dated October 27, 1874.

No cession of jurisdiction unless covered by the act of the State Legislature passed at the session of 1871, for which see Act set out under title of "Beaufort National Cemetery."

(The Hilton Head reservation seems to have been bid in by an agent of the United States, for the United States, at a sale for direct taxes, immediately at the close of the war of 1861, and while in the hands of the Direct Tax Commissioners as the property of the United States, was excepted from further disposition and set apart for military purposes. See Act of Congress approved July 16, 1866.)

FORT JOHNSON.

This reservation contains an area of 28.50 acres, and is situated on the Northeast point of James Island, in Charleston Harbor, opposite Fort Sumter. The title is as follows:

The tract was originally ceded to the United States by the State of South Carolina December 19, 1805, and subsequently resurveyed and

regranted to the United States by an act of the State Legislature passed December 18, 1846. The acts are as follows:

AN ACT to cede to the United States various forts and fortifications and sites for the erection of forts.

"*Be it enacted, etc.*, That there shall be and hereby is granted to the United States of America, all the right, title and claim of this State, to the following forts, fortifications, and sites for the erection of forts, in manner following:

"All the land reserved for Fort Moultrie on Sullivans Island, provided the same shall not exceed five acres, with all the forts, fortifications and buildings thereon, together with the canal leading from the cove on the back of the fort, nearly up to the same, as delineated on the plan of Charleston harbor by Colonel Senf and is in the Secretary of State's office at Columbia.

"The high lands and part of the marsh belonging to Fort Johnson, as delineated on the said plan of Charleston harbor, provided the same shall not exceed twenty acres, including the present site of Fort Johnson.

"The land on which Fort Pinckney is built, and three acres around the same.

"A portion of the sand bank marked C, on the southeasternmost point of Charleston, as delineated on the said plan of Charleston harbor, not exceeding two acres.

"A quantity of land, not exceeding four acres, for a battery or fort, and necessary buildings, on Dr. Blythe's point of land at the mouth of Sampit river.

"The small island in Beaufort river called Mustard Island, opposite Pairo Island, and a tract of land on St. Helena Island, opposite the same, not exceeding seven acres of land, as being a commanding ground for a principal fort.

"*And be it further enacted, etc.*, That the following persons, viz: Col. Thomas Grayson, Captain John Jenkins, and William Elliott, Brigadier-General Read, the Intendent of Charleston for the time being, Colonel Daniel Stevens, Joseph Alston, Brigadier-General Conway and Major Savage Smith, or any two of them, be, and they are hereby appointed Commissioners, and authorized to locate, by proper metes and bounds, at the expense of this State, so far as the charges of surveyors shall be incurred, all or any the above mentioned sites; and who shall return into the office of the Secretary of this State, on or before the first day of January, in the year of our Lord one thousand eight hundred and seven, fair plats of survey, and accurate description of the said lands, forts, fortifications and sites, so ceded, setting forth the limits and bounds of the same.

"*And be it further enacted, etc.*, That if the United States shall not within three years from the passage of this act, and notification thereof by the Governor of this State to the Executive of the United States, repair the fortifications now existing thereon, or build such other forts or fortifications as may be deemed most expedient by the Executive of the United States on the same, and keep a garrison or garrisons therein, in such case this grant or cession shall be void and of no effect.

"*And be it further enacted*, That all process civil or criminal, issued under the authority of this State or any officer thereof, shall and may be served and executed on any part of lands and sites, forts and fortifications, so ceded by this act, and on any person or persons there being and implicated in matters of law: *Provided always*, that the lands,

sites, forts and fortifications so ceded, shall forever be exempt from any tax to be paid to this State: *And provided also*, the United States shall, before possession be taken of the said sites so to be laid out by the above Commissioners, some of which are private property, give and pay due compensation to the owners and proprietors of the same." (Passed December 19, 1805.)

Commissioners made report dated August 14, 1807.

AN ACT to convey to the United States certain lands on Sullivans Island, James Island, and Shute's Folly Island.

"1. *Be it enacted, etc.*, That there shall be, and hereby is granted to the United States of America, all the right, title and interest of the State to the lands, forts and fortifications and sites for the erection of forts on Sullivans Island, James Island, and Shute's Folly Island, as delineated in a plan of survey made by Robert Q. Pinckney, on the Seventeenth day of November, in the year One thousand eight hundred and forty-six, under the direction of the Commissioners appointed by His Excellency, Governor Aiken, under a joint resolution of the Legislature, passed on the fifteenth day of December, in the year, One thousand eight hundred and forty-five. *Provided*, That this Act shall not take effect until the United States Government shall have conveyed to the State of South Carolina all the right, title and interest of the United States, in the land lying between the present site of Fort Moultrie and the parade ground, which is indicated as a street in the aforesaid plan of survey, and until said plan of survey shall have been deposited in the office of the Secretary of State at Columbia.

"2. That all process, civil or criminal, issued under the authority of this State, or any officer thereof, shall and may be served and executed, on any part of the lands and sites, forts and fortifications so ceded by this act, and on any person or persons there being implicated in matters of law: *Provided always*, That the lands, sites, forts and fortifications so ceded shall be exempt from any tax to be paid to this State: *And provided also*, That nothing contained in this act, shall be construed to interfere with the rights and property of the citizens, or so as to affect any of the streets, thoroughfares or public buildings on the said Islands." (Passed December 18, 1846.)

The condition recited in the foregoing act of December 18, 1846, having been complied with on the part of the United States, David Johnson, Governor of South Carolina, executed a deed conveying to the United States the lands, etc., cited in said act. Deed dated June 5, 1848, and recorded in the Mesne Conveyance Office, Charleston District, July 5, 1848, in Book B, No. 12, page 102, etc.

FORT LYTTLETON.

This reservation contains an area of 5 acres, and is situated near the town of Beaufort, in Beaufort County. The title is as follows:

The 5 acres of public land near the town of Beaufort, including the site of Fort Lyttleton, ceded to the United States by an act of the State Legislature, passed December 17, 1808, which act is as follows:

AN ACT to amend an Act, entitled an Act to cede to the United States various forts and fortifications, and sites for the erection of forts, passed the nineteenth day of December, one thousand eight hundred and five.

* * * * * * *

"4. *And be it further enacted, etc.*, That five acres of the public lands near the town of Beaufort, including the site of Fort Lyttleton, be

ceded to the United States for the purpose of erecting a fort, and that Colonel Colcock, Stephen Elliott, and Samuel Lawrence be Commissioners to locate the same; and that the said Commissioners be, and are hereby vested with the powers, and are required to perform the duties prescribed by the preceding clause of this act."

FORT MOULTRIE.

This reservation contains an area of ——— acres, and is situated on the west end of Sullivans Island, at the entrance to Charleston Harbor, adjacent to the village of Moultrieville, and about 5 miles from the City of Charleston. The title is as follows:

1. Ceded to the United States by the State of South Carolina by an act of the Legislature passed December 19, 1805.

2. Land resurveyed and regranted to the United States by an act of the State Legislature passed December 18, 1846.

3. Deed from G. B. Dyer to the United States, dated January 1, 1844, conveying a small burial lot containing about 1,500 feet of ground. Deed recorded in Secretary of State's Office, at Charleston, in Miscellaneous Record Book B B B B B, page 18, etc.

For the acts of the State Legislature ceding title and jurisdiction, passed December 19, 1805, and December 18, 1846, see Fort Johnson.

CASTLE PINCKNEY.

This reservation contains an area of about 3.50 acres, and is situated on Shute's Folly Island, at the mouth of Cooper River, opposite the southern extremity of the City of Charleston, and about 1 mile distant therefrom. The title is as follows:

1. Ceded to the United States by the State of South Carolina by an act of the Legislature passed December 19, 1805.

2. Land resurveyed and regranted to the United States by an act of the State Legislature passed December 18, 1846.

For the foregoing acts see Fort Johnson.

SULLIVANS ISLAND.

This reservation contains an area of about 16 acres, also roads, streets, etc., and is situated north of the main entrance to Charleston Harbor, and nearly opposite to Fort Sumter. The title is as follows:

1. Deed from Margaret T. Stone, Executrix, and H. D. Alexander, Executor, etc., to the United States, dated February 14, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known as No. 101, etc., on Hume's plat, containing 0.50 acre. Deed recorded in Book R, 22, page 176, in the Register's Office of Mesne Conveyances at Charleston.

2. Deed from Edwin W. Moise to the United States, dated February 14, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known as Lot No. 125 on Hume's Plat, containing 0.50 acre. Deed recorded in Book Y, 22, page 17, in the Register's Office of Mesne Conveyances at Charleston.

3. Deed from Sarah E. Thompson, Administratrix, etc., to the United States, dated March 18, 1896, conveying a lot in Moultrieville, on Sullivans Island, known as Lot B. Deed recorded in Book R, 22, page 202, in the office of the Register of Mesne Conveyances at Charleston.

4. Deed from John Boyd, Administrator, etc., to the United States,

dated March 20, 1896, conveying a lot in Moultrieville, on Sullivans Island, known as Lot No. 249 on Hume's Plat. Deed recorded in Book R, 22, page 204, in the Register's Office for Mesne Conveyances at Charleston.

5. Deed from Auguste C. Bequest to the United States, dated March 26, 1896, conveying 0.50 acre in the town of Moultrieville, Sullivans Island. Deed recorded in Book Y, 22, page 54, in the Register's Office of Mesne Conveyances at Charleston.

6. Deed from Johanna F. C. H. Schroder to the United States, dated March 27, 1896, conveying 0.50 acre in the town of Moultrieville, on Sullivans Island. Deed recorded in Book Y, 22, page 55, in the Register's Office of Mesne Conveyances at Charleston.

7. Deed from John Vollers, Administrator, etc., to the United States, dated April 18, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known as No. 225 on Hume's Plat, containing 0.50 acre. Deed recorded in Book Y, 22, page 70, in the Register's Office of Mesne Conveyances at Charleston.

8. Deed from Asher D. Cohen to the United States, dated July 25, 1896, conveying five lots in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as Nos. 119, 120, 121, 126, and 127, containing 2.50 acres. Deed recorded in Book R, 22, page 292, in the Register's Office of Mesne Conveyances at Charleston.

9. Deed from Joseph G. Police to the United States, dated July 27, 1896, conveying lot 255 in the town of Moultrieville, on Sullivans Island, containing 0.50 acre. Deed recorded in Book R, 22, page 295, in the Register's Office of Mesne Conveyances at Charleston.

10. Deed from Wilhelmina L. Eason to the United States, dated July 27, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 123, containing 0.50 acre. Deed recorded in Book R, 22, page 289, in the office of the Register of Mesne Conveyances at Charleston.

11. Deed from Sarah M. Dawson to the United States, dated July 28, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 128, containing 0.50 acre. Deed recorded in Book R, 22, page 291, in the Register's Office of Mesne Conveyances at Charleston.

12. Deed from Caroline M. Schachte to the United States, dated July 25, 1896, conveying two lots in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as Y and Z, containing 1 acre. Deed recorded in Book R, 22, page 294, in the Register's Office of Mesne Conveyances at Charleston.

13. Deed from Mary Cogswell to the United States, dated September 22, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 139. Deed recorded in Book R, 22, page 328, in the Register's Office of Mesne Conveyances at Charleston.

14. Deed from Margaret A. S. Gadsden to the United States, dated August 6, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as Letter W, containing 0.50 acre. Deed recorded in Book R, 22, page 340, in the Register's Office of Mesne Conveyances at Charleston.

15. Deed from Henrietta V. Mazyck to the United States, dated November 24, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 122, containing 0.50 acre. Deed recorded in Book R, 22, page 374, in the Register's Office of Mesne Conveyances at Charleston.

16. Deed from Anna L. Walker to the United States, dated December

5, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 106. Deed recorded in Book R, 22, page 387, in the Register's Office of Mesne Conveyances at Charleston.

17. Deed from J. Alice Arnold to the United States, dated December 5, 1896, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 128 A. Deed recorded in Book R, 22, page 388, in the Register's Office of Mesne Conveyances at Charleston.

18. Deed from Mary L. Snowden to the United States, dated March 20, 1897, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 107. Deed recorded in Book R, 22, page 475, in the Register's Office of Mesne Conveyances at Charleston.

19. Deed from E. C. Steinmeyer, Administrator, etc., to the United States, dated June 12, 1897, conveying a lot in the town of Moultrieville, on Sullivans Island, known on Hume's Plat as No. 124, containing 0.50 acre. Deed recorded in Book R, 22, page 548, in the Register's Office of Mesne Conveyances at Charleston.

20. Decree of Condemnation for Lots U and V in Hume's Plat of Moultrieville, on Sullivans Island, containing 1 acre, in the case of The United States *v.* M. A. Gilchrist, in the Court of Common Pleas in and for the County of Charleston. Decree made final March 19, 1897.

21. Decree of Condemnation for Lot 226 in Hume's Plat of Moultrieville, on Sullivans Island, containing 0.50 acre, in case of The United States *v.* John V. McNamee, in the Court of Common Pleas in and for the County of Charleston. Decree made final March 25, 1897.

22. Decree of Condemnation for Lot 241 in Hume's Plat of Moultrieville, on Sullivans Island, containing 0.50 acre, in case of The United States *v.* C. M. Drake, in the Court of Common Pleas in and for the County of Charleston. Decree made final March 25, 1897.

23. Decree of Condemnation for Lot 242 in Hume's Plat of Moultrieville, on Sullivans Island, containing 0.50 acre, in case of The United States *v.* Mary L. A. Holton, in the Court of Common Pleas, in and for the County of Charleston. Decree made final March 26, 1897.

24. Decree of Condemnation for Lot 105 in Hume's Plat of Moultrieville, on Sullivans Island, containing 0.50 acre, in case of The United States *v.* Pauline S. Heyward, in the Court of Common Pleas in and for the County of Charleston. Decree made final March 26, 1897.

25. Decree of Condemnation for Lot 240 in Hume's Plat of Moultrieville, on Sullivans Island, containing 0.50 acre, in case of The United States *v.* A. W. Eckel, in the Court of Common Pleas in and for the County of Charleston. Decree made final March 25, 1897.

26. Decree of Condemnation for Lot 256 in Hume's Plat of Moultrieville, on Sullivans Island, containing 0.50 acre, in case of The United States *v.* Johanna Michaelis, in the Court of Common Pleas in and for the County of Charleston. Decree made final March 26, 1897.

(The title to the whole of Sullivans Island was in the State of South Carolina, and by acts of the Legislature all the foregoing occupants were merely tenants from year to year.)

All right, title, and interest, together with jurisdiction, was ceded to the United States by an act of the State Legislature approved December 24, 1894, which act provides as follows:

"SECTION 1. *Be it enacted, etc.*, That the right title and interest of this State to, and the jurisdiction and control of this State over the

following described tracts or parcels of lands and land covered with water situated in the town of Moultrieville on Sullivans Island in the County of Charleston, in this State, be and the same are hereby granted and ceded to the United States of America as sites for the location, construction and prosecution of works of fortification and coast defences, to wit: all that tract or parcel of land and land covered with water bounded as follows: (Here describes by metes and bounds the lands described in the deeds and decrees, as set out *supra*): *Provided*, That there is hereby reserved to this State a concurrent jurisdiction for the execution within said lands of all process civil or criminal lawfully issued by the courts of the State and not incompatible with this cession.

"SEC. 2. The grant hereinbefore made is upon the condition that the said grant shall not be effectual as to any portion of the premises embraced in the foregoing description in which any person or persons have now any right, title or interest or upon which any person or persons now own or have any structures or improvements until the United States of America shall have compensated such person or persons for such right title and interest and for such buildings, structures and improvements, and acquired the title of such person and persons thereto, and said grant shall not be effectual until the United States of America shall have further compensated the parties who at and before the cession of said Jetty reservation owned like interest or owned structures and improvements upon the territory heretofore ceded by this State to the United States of America for a jetty reservation.

"SEC. 3. That in case of the failure of the said United States of America and any persons interested as aforesaid or owner as aforesaid to agree upon the proper compensation to be paid as above provided, the United States of America is authorized to have the same determined by the verdict of a jury upon application by petition to the Clerk of Common Pleas for Charleston County, which shall be served as by law a summons in a civil action in said Court is required to be served and the same shall be heard without delay at a term of said Court and under the direction of the Presiding Judge thereof, and such determination shall be final and without appeal, and upon the amount so found being paid, with the cost of Clerk and Sheriff, if any, the right and title of the parties thereto shall vest in the United States of America.

"SEC. 4. *Be it further enacted*, That all streets, roads and highways within the said tracts or parcels of land are vacated and discontinued from the time the said grant becomes effectual, *Provided*, That there is hereby reserved to this State a concurrent jurisdiction for the execution within said lands of all process civil or criminal lawfully issued by the Courts of the State and not incompatible with this cession."

FORT SUMTER.

This reservation contains an area of about 125 acres, and is situated at the entrance to Charleston Harbor, 5 miles from the City of Charleston, on made island, and midway between Forts Moultrie and Johnson. The title is as follows:

Ceded to the United States by Resolution of the Legislature of South Carolina as follows:

"COMMITTEE ON FEDERAL RELATIONS,

"*In the House of Representatives, December 21st, 1836.*

"The Committee on Federal Relations, to which was referred the Governor's message, relating to the site of Fort Sumter, in the Har-

bour of Charleston, and the report of the Committee on Federal Relations from the Senate on the same subject, beg leave to Report by Resolution:

"*Resolved*, That this State do cede to the United States, all the right title and claim of South Carolina to the site of Fort Sumter and the requisite quantity of adjacent territory, *Provided*, That all processes, civil and criminal issued under the authority of this State, or any officer thereof, shall and may be served and executed upon any of the land so ceded, or structures to be erected upon the same, and any person there being who may be implicated in law; and that the said land, site and structures enumerated, shall be forever exempt from liability to pay any tax to this State.

"*Also resolved*, That the State will extinguish the claim, if any valid claim there be, of any individuals under the authority of this State, to the land hereby ceded.

"*Also resolved*, That the Attorney-General be instructed to investigate the claims of Wm. Laval and others, to the site at Fort Sumter, and adjacent land contiguous thereto; and if he shall be of opinion, that these parties have a legal title to the said land, that Generals Hamilton and Hayne and James L. Pringle, Thomas Bennett, and Ker. Boyce, Esquires, be appointed Commissioners on behalf of the State, to appraise the value thereof. If the Attorney-General should be of opinion that the said title is not legal and valid, that he proceed by *scire facias* or other proper legal proceedings to have the same avoided; and that the Attorney-General and the said Commissioners report to the Legislature at its next session.

"*Resolved*, That this House do agree. Ordered that it be sent to the Senate for concurrence. By order of the House:

"T. W. GLOVER, *C. H. R.*"

"IN SENATE, *December 21st, 1836.*

"*Resolved*, that the Senate do concur. Ordered it be returned to the House of Representatives. By order:

"JACOB WARLY, *C. S.*"

The foregoing recorded in Book C, No. 11, page 310, etc., in the Register's Office of Mesne Conveyances at Charleston July 9, 1840.

FORT WINYAW.

This reservation contains an area of about 7 acres and is situated on what is called Blythes Point, at the mouth of Sampit Creek or Georgetown River, Georgetown Harbor, in Georgetown District. The title is as follows:

Deed from Joseph Blythe to the United States, dated April 21, 1812, conveying 7 acres, on Blythes Point. Deed recorded in Book J, page 141, etc., in the Register's Office for Mesne Conveyances for the Georgetown District, May 13, 1812, and in Book G, No. 8, page 30, etc., in the Register's Office for Mesne Conveyances for the Charleston District, April 29, 1812.

Consent to the purchase was given and jurisdiction ceded by Acts of the State Legislature, passed December 19, 1805, and December 17, 1808, which acts are as follows:

(For Act passed December 19, 1805, see Fort Johnson.)

"Whereas by an act passed the nineteenth day of December, one thousand eight hundred and five, entitled 'An Act to cede to the United

States various forts, fortifications and sites for the erection of forts' it is enacted that a quantity of land not exceeding four acres for a battery or fort and necessary buildings on Doctor Blythe's point of land at the mouth of Sampit river shall be ceded to the United States, and whereas it is necessary to cede a greater quantity of land for the purposes aforesaid:

"1. *Be it therefore enacted, etc.*, That there shall be and hereby is granted to the United States of America, all the right title and claim of the State to a quantity of land not exceeding six acres on Doctor Blythe's point of land at the mouth of Sampit river adjoining and in addition to the quantity of land not exceeding four acres by the act aforesaid granted to the United States for a battery or fort and necessary buildings.

"2. *And be it enacted, etc.*, That Joseph Alston, Savage Smith, Benjamin Hager, John Keith, and Paul Trapier or any three of them be and they are hereby appointed Commissioners and authorized to locate by proper metes and bounds at the expense of this State so far as the charges of surveyors shall be incurred, the above mentioned quantity of land, and who shall return into the Office of the Secretary of this State on or before the first day of June in the year one thousand eight hundred and nine, a fair plat of survey and accurate description of the said land so ceded, setting forth the limits and bounds of the same.

"3. *And be it further enacted, etc.*, That all the provisions restrictions and clauses contained in the aforesaid Act applicable and relative to the quantity of land not exceeding four acres of land on Doctor Blythe's point of land at the mouth of Sampit river thereby ceded to the United States shall be, and the same are hereby declared to be applicable and relative to the quantity of land not exceeding six acres by this act ceded and granted to the United States."

(For Section 4, see Fort Lyttleton.)

SOUTH DAKOTA.

FORT MEADE.

This reservation contains an area as follows: Post reservation, 12.50 square miles, and Wood and Timber reservation 27,293 acres. It is situated in Meade County, near the town of Sturgis, on the Freemont, Elkhorn and Missouri Valley Railroad. The title is as follows:

As a part of the public domain the following reservations were made:

1. By Executive Order dated December 18, 1878, principal reservation was declared.

2. By same authority, dated April 18, 1881, Wood and Timber reservation declared.

3. Executive Order dated May 27, 1888, modified original order, and

4. Executive Order dated September 16, 1889, reservation enlarged for wood and timber purposes.

The following part of said reservation was acquired by purchase:

1. Twenty-one acres, more or less, fully described in a deed from William McMillan and wife to the United States, dated April 2, 1889, and recorded in Book 67, page 338, etc., of the deed records of Lawrence County.

Jurisdiction was ceded to the United States by Paragraph 5, of Section 18, Article 26, of the Constitution of South Dakota, as follows:

"Fifth. That jurisdiction is ceded to the United States over the military reservations of Fort Meade, Fort Randall, and Fort Sully, hereto-

fore declared by the President of the United States: *Provided*, legal process, civil and criminal, of this State shall extend over such reservations in all cases of which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations."

TENNESSEE.

CHATTANOOGA NATIONAL CEMETERY.

This reservation contains an area of 129.53 acres, and is situated at Chattanooga, Hamilton County. The cemetery was founded by order of Maj. Gen. George H. Thomas, December 25, 1863, in commemoration of the Battle of Chattanooga fought November 23, 24, 25, 26, and 27, and to provide a proper resting place for the remains of the brave men who fell upon the fields fought over upon those days, and for the remains of such as may hereafter give up their lives in this region in defending their country against treason and rebellion. The hill beyond the Western and Atlantic Railroad in a southeasterly direction from the town of Chattanooga was selected as the site. Board appointed to appraise land, etc., by Special Order 82, Headquarters Military Division of Tennessee, reported with recommendations to conform to Act of Congress approved February 22, 1867. Approved by the Secretary of War March 23, 1867. A portion of the land within the present area formerly belonged to the United States, and was known as the Military Post of Chattanooga. This portion was by order of the War Department, dated February 5, 1884, declared to be a part of the National Cemetery. The title to the reservation is as follows:

1. Deed from Robert M. Hooke to the United States, dated July 14, 1870, conveying 48.92 acres of land. Deed recorded in Book T, pages 142 and 143, of the deed records of Hamilton County.

2. Deed from T. G. Montague to the United States, dated August 12, 1870, conveying 3½ acres of land.

3. Deed from H. F. Parrish to the United States, dated August 16, 1870, conveying a tract by metes and bounds. Deed recorded in Book T, pages 226 and 227, of the deed records of Hamilton County.

4. Decree of Condemnation in the District Court of the United States for the Eastern District of Tennessee, in the case of Joseph Ruohs et al. *v.* The United States, involving the whole of the lands within said reservation, as follows: Lands owned by Joseph Ruohs, 75.45 acres; lands owned by Robert M. Hooke, 48.92 acres; lands owned by J. R. Slayton, 2.82 acres, and lands owned by the heirs of John Ambler, deceased, 2.34 acres, the whole aggregating 129.53 acres of land. Decree made final February 20, 1869, and filed with the record in said cause in the Clerk's office of said Court at Knoxville.

Jurisdiction was ceded to the United States by an Act of the State Legislature passed March 9, 1867, which is as follows:

"AN ACT to cede to the United States the jurisdiction over the National Cemeteries in this State, and to protect the same.

"Whereas in the late bloody sacrifice to restore and maintain to the people of Tennessee the imperiled free institutions of our fathers, more than fifty-five thousand of our fallen patriots were buried in our State, and the Government of our Common Union has provided appropriate cemeteries for the remains of these victims of rebellion and requires that these cemeteries be held sacred under the protection of the Nation: Therefore,

"SECTION 1. *Be it enacted, etc.*, That the exclusive jurisdiction over

the several tracts of land and parcels of ground with the appurtenances thereto, obtained, purchased, used or occupied for burial purposes by or for the United States hereinafter described by their names and location, with the premises thereto attached for officers' and soldiers' quarters and for guards is hereby ceded to the United States: *Provided, however*, That jurisdiction thereof shall be retained by the State of Tennessee so far as to punish offenders against this law by presentment or indictment and fine or imprisonment as hereinafter provided:

"Knoxville National Cemetery, in Knox County, containing about 4 acres.

"Chattanooga National Cemetery, in Hamilton County, containing about 75 acres.

"Stones River National Cemetery, in Rutherford County, containing about 16 acres.

"Shiloh National Cemetery, in Hardin County, containing about 10 acres.

"Cumberland River National Cemetery, in Stewart County, containing about 25 acres.

"Mississippi River National Cemetery, in Shelby County, containing about 25 acres.

"Nashville National Cemetery (on Craighead place, so called), in Davidson County, containing about 64 acres.

"Columbia National Cemetery, in Maury County, containing about —— acres.

"Cumberland Gap National Cemetery, in Claiborne County, containing about 2 acres.

"Hazen's Brigade National Cemetery, in Rutherford County, containing about 2 acres.

"SEC. 2. That the exclusive jurisdiction over all tracts and parcels of land, with the buildings and appurtenances belonging to the same including the quarters for Officers, Keepers, Guards or Soldiers in charge of the same, and the premises connected therewith, now or at any time hereafter purchased, used or occupied by the United States, their Officers or Agents, for Cemeteries or burial places within the limits of this State, is hereby ceded to the United States, and whenever such premises shall be no longer required, used or occupied by the United States, the jurisdiction of such abandoned property may revert to the State of Tennessee.

"SEC. 3. The property over which jurisdiction is ceded herein shall be held exonerated and free from any taxation, or assessment under the authority of this State or of any municipality therein, until the jurisdiction shall have reverted, and the title and possession to said cemeteries, grounds, buildings and appurtenances shall be protected to the United States, and no process of any court shall be permitted against the same, or to dispossess the Officers or Agents of the United States, thereof, without restricting any just claim for damages or value, in the form or mode provided by the United States for prosecuting the same.

"SEC. 4. That any malicious, wilful, reckless or voluntary injury to, or mutilation of the graves, monuments, fences, shrubbery, ornaments, walks or buildings of any of said Cemeteries or burial places or appurtenances, shall subject the offender or offenders, each, to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment not exceeding six months in the County Jail or Work-house, to be prosecuted before any Court of competent jurisdiction.

"SEC. 5. That this act shall take effect and be in force from and after its passage."

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

See "Chickamauga and Chattanooga National Military Park," under Georgia.

COLUMBIA ARSENAL.

This reservation contains an area of 67 acres and 23 perches of land, and is situated near the town of Columbia, in Maury County. The title is as follows:

Deed from Sims Latta and wife et al. to the United States, dated November 26, 1888, conveying the above premises. Deed recorded in Book S, Vol. 3, page 320, of the deed records of Maury County.

The lands purchased under an Act of Congress, approved May 1, 1888, providing for the construction of an arsenal for the repair, storage, and distribution of ordnance and ordnance stores at Columbia, Tenn.

Jurisdiction was ceded to the United States by an act of the State Legislature approved January 21, 1889, which provides as follows:

"Whereas, the Federal Government has made an appropriation of two hundred thousand dollars, for the purpose of erecting an Arsenal, at Columbia in the State of Tennessee, and

Whereas, suitable lands, being some sixty acres, adjoining the west margin of said city, have been purchased by citizens of Columbia, and deeded to the United States for said purpose, Therefore,

"SECTION 1. *Be it enacted, etc.*, That the consent of the State of Tennessee, be and is hereby given to said donation to, and ownership by the United States of said lands as a site for the buildings and grounds of said United States Arsenal.

"SEC. 2. That upon proper registration in the county of Maury, of the deeds to said lands, so donated for the purpose aforesaid, then the jurisdiction of the therein-described premises, be, and the same is hereby ceded and granted by the State of Tennessee to the United States.

"SEC. 3. That this act take effect from and after its passage, the public welfare requiring it."

FORT DONELSON NATIONAL CEMETERY.

This reservation contains an area of 15.34 acres, and is situated at Dover, on the Cumberland River, in Stewart County. The title is as follows:

Deed from James P. Flood and Nathan Brandon to the United States, dated April 23, 1867, conveying the above tract. Deed recorded in Book A, page 197, of the deed records of Stewart County.

Jurisdiction was ceded to the United States by an act of the State Legislature approved March 9, 1867, for which see "Chattanooga National Cemetery."

HAZEN MONUMENT.

This reservation contains an area of 145 poles of land, and is situated in Rutherford County, near Murfreesboro, between the Nashville, Murfreesboro and Shelbyville Turnpike and the Nashville and Chattanooga Railroad. The title is as follows:

1. Decree of Condemnation for above property in a cause wherein R. D. Jamison, Administrator, etc., et al. *v.* J. B. Cowan et al., in the Chancery Court for Rutherford County; rendered at the October term, 1874. Sale upon decree. Purchased by the United States February 1, 1875, and confirmed April 26, 1875. Decree, Order and Report, and

Confirmation of sale filed with the record in the Clerk's Office of said Court.

2. Deed from J. W. Sparks, Clerk and Master of the Chancery Court at Murfreesboro, for Rutherford County, to the United States, dated May 5, 1875, conveying the property in accordance with above decree. Deed registered in Book 21, page 144, and noted in Notebook 2, page 11, of the deed records of Rutherford County.

KNOXVILLE NATIONAL CEMETERY.

This reservation contains an area of 9.83 acres of land, to which is added a right of way, and is situated at Knoxville, in Knox County. The title is as follows:

1. Deed from John Damron to the United States, dated June 10, 1867, conveying 10 acres of land, more or less. Deed registered in Book F, Vol. 3, page 137, and noted in Notebook A, page 237, of the deed records of Knox County.

2. Appraisement of above land and Decree of Court in cause of John Damron *v.* The United States, rendered May 22, 1867, in the District Court of the United States for the Eastern District of Tennessee, and filed in the Clerk's Office of said Court at Knoxville.

The right of way from a point in the city of Knoxville to the National Cemetery was procured by authority of an Act of Congress, approved July 28, 1886, and title is as follows:

3. Right of Way granted January 5, 1886, to the United States by the Road Commissioner of the Second District of Knox County.

4. Right of Way granted (and jurisdiction to manage, etc.) September 3, 1886, to the United States by the Mayor and Aldermen of the City of Knoxville. Ordinance filed in the Clerk's Office at Knoxville.

Jurisdiction was ceded to the United States by an Act of the State Legislature, approved March 9, 1867; for which see "Chattanooga National Cemetery."

MEMPHIS ARSENAL.

This reservation contains an area of about 13 acres, and is situated near the City of Memphis, in Shelby County. The title is as follows:

Deed from Nathaniel Anderson, by his Attorney in fact, Seth Wheatly, to the United States, dated April 20, 1837, conveying above tract by metes and bounds. Deed recorded in Book F, page 168, etc., of the deed records of Shelby County. Power of Attorney from Nathaniel Anderson to Seth Wheatly, dated April 18, 1837, recorded in Book F, pages 241 and 242, of the deed records of Shelby County.

MEMPHIS NATIONAL CEMETERY.

This reservation contains an area of 43.91 acres, and is situated about 7 miles from Memphis, in Shelby County. The title is as follows:

1. Deed from William Sides to the United States, dated February 20, 1867, conveying 8 acres of land. Deed noted in Notebook No. 6, page 116, and recorded in Record Book No. 68, page 156, etc., of the deed records of Shelby County.

2. Deed from Augustus Alston, Clerk and Master in Chancery, to the United States, dated April 8, 1867, conveying 16 acres of land. Deed noted in Notebook No. 6, page 118, and recorded in Record Book No. 68, page 216, etc., of the deed records of Shelby County.

3. Deed from Coleman Boyd, surviving partner, etc., et al. to the United States, dated May 23, 1868, conveying 19.91 acres of land.

For Jurisdiction see Act of March 9, 1867, under title "Chattanooga National Cemetery."

NASHVILLE NATIONAL CEMETERY.

This reservation contains an area of 65 acres, and is situated 6 miles north of Nashville, on the Gallatin Turnpike, and 1¼ miles from Madison, in Davidson County. The title is as follows:

1. Deed from Morton B. Howell, Clerk and Master of the Chancery Court at Nashville for the County of Davidson, to the United States, dated July 3, 1866, conveying 45.91 acres of land. Deed entered on page 93 of Notebook No. 5, and registered in Book No. 38, page 648, of the deed records of Davidson County.

2. Decree of Condemnation and sale ordered of 17 acres and 156 poles in cause wherein Peter Anderson was plaintiff and McRoberts and McKee defendants, in the Chancery Court for the County of Davidson, at Nashville. Land purchased by the United States August 11, 1866. Decree, report, and sale confirmed by the Chancery Court January 19, 1867, and recorded in Minute Book L, pages 276 to 280, inclusive, in the Clerk's Office of said Court at Nashville.

3. Deed from J. Watts Judson to the United States, dated October 17, 1879, conveying 1.50 acres. Deed entered on Notebook No. 7, and registered in Book No. 63, pages 360 and 361, of the deed records of Davidson County.

Jurisdiction was ceded to the United States by an Act of the State Legislature, approved March 9, 1867; for which see "Chattanooga National Cemetery."

PITTSBURG LANDING NATIONAL CEMETERY.

This reservation contains an area of 10.05 acres, and is situated on the Tennessee River at Pittsburg Landing, in Hardin County. The title is as follows:

Decree of Condemnation for the above premises in the cause entitled The United States *v.* Mary A. Harmon et al., in the United States District Court for the District of West Tennessee. Decree rendered January 6, 1869, and filed with the record of said cause in the Clerk's Office of said Court at Memphis.

Jurisdiction was ceded to the United States by an Act of the State Legislature, approved March 9, 1867; for which see "Chattanooga National Cemetery."

SHILOH NATIONAL CEMETERY.

See "Pittsburg Landing National Cemetery."

SHILOH NATIONAL MILITARY PARK.

This Park, situated in Hardin County, near the Tennessee River, was established under authority of an Act of Congress, approved December 27, 1894, being "An Act to establish a National Military Park at the battlefield of Shiloh." The boundaries, as described in said act, contain 3,000 acres, more or less. Of this acreage the Secretary of

War has acquired, up to April 27, 1897, a total of 1,063.33 acres. The title to the land so far acquired is as follows:

1. Deed from George W. L. Smith and wife to the United States, dated September 28, 1896, conveying 85.18 acres of land. Deed recorded in Book Z, page 15, etc., of the deed records of Hardin County.

2. Deed from Samuel Chambers and wife to the United States, dated January 2, 1897, conveying 101 acres of land. Deed recorded in Book Z, page 323, etc., of the deed records of Hardin County.

3. Deed from Thomas Walker to the United States, dated January 2, 1897, conveying 206.05 acres. Deed recorded in Book Z, page 206, etc., of the deed records of Hardin County.

4. Deed from W. G. Petty and wife to the United States, dated April 17, 1897, conveying 206.15 acres. Deed recorded in Book Z, page 331, etc., of the deed records of Hardin County.

5. Deed from W. G. Petty and wife to the United States, dated April 17, 1897, conveying 204.97 acres of land. Deed recorded in Book Z, page 342, etc., of the deed records of Hardin County.

6. Deed from P. N. Tilghman and wife to the United States, dated April 26, 1897, conveying 79.08 acres of land. Deed recorded in Book Z, page 329, etc., of the deed records of Hardin County.

7. Decree of Condemnation of 180.90 acres of land in cause No. 2274, The United States *v.* W. C. and O. C. Meeks, in the District Court of the United States, within and for the Eastern Division of the Western District of Tennessee, in the Sixth Judicial Circuit thereof. Decree rendered April 27, 1897, and filed with the record in said cause in the Clerk's Office of said Court in the City of Jackson.

Jurisdiction was ceded to the United States by an act of the State Legislature approved April 29, 1895, which provides as follows:

"Whereas, The Congress of the United States has by an act, approved December 27, 1894, appropriated seventy-five thousand dollars for the purchase of the battle-field of Shiloh, in the State of Tennessee, and for beginning the establishment of a National Military Park thereon, where the history of all military organizations engaged in that battle is to be impartially preserved by tablets and monuments, and where all the States which had troops in the engagement are to have equal rights and recognition:

"SECTION 1. *Be it enacted, etc.*, That upon the acquisition of title by the United States, through the payment of such sum as may be agreed upon with the respective owners, or fixed by the decree of any court which may have proper and legal jurisdiction of the matter, the jurisdiction of the State of Tennessee over the said tract thus acquired, its lands and roads, is hereby ceded to the United States for the purposes set forth in said Act of Congress, approved December 27th, 1894, establishing the said Shiloh National Military Park—that is to say, over a tract situated in Hardin County, or in Hardin and McNairy Counties, in the State of Tennessee, or over so much thereof as the Commissioners of the park may deem necessary to acquire, to wit: Beginning at low-water mark on the north bank of Snake Creek, where it empties into the Tennessee River; thence westwardly in a straight line to the point where the river road to Crump's Landing, Tennessee, crosses Snake Creek; thence along the channel of Snake Creek and Owl Creek; thence along the channel of Snake Creek to Owl Creek; thence along the channel of Owl Creek to the crossing of the road from Hamburg to Purdy; thence southwardly in a straight line to the intersection of an east and west line drawn from the point where the road to Hamburg, Tennessee, crosses Lick Creek, near the mouth of the latter; thence

eastward along the said east and west line to the point where the Hamburg road crosses Lick Creek; thence along the channel of Lick Creek to the Tennessee River; thence along the low-water mark of the Tennessee River to the point of beginning, and such other lands contiguous thereto as the said park commissioners may consider it necessary to acquire: *Provided*, That this cession is upon the express condition that the State of Tennessee shall so far retain a concurrent jurisdiction over said lands and roads, as that all civil and criminal processes issued under the authority of the State of Tennessee may be executed thereon in like manner as if this Act had not been passed.

"SEC. 2. *Be it enacted, etc.*, That this Act shall take effect from and after its passage, the public welfare requiring it."

STONES RIVER NATIONAL CEMETERY.

This reservation contains an area of 20.10 acres of land, and is situated about 3 miles from Murfreesboro, in Rutherford County. The title is as follows:

1. Deed from James M. Tompkins, Clerk and Master of the Chancery Court for Rutherford County, to the United States, dated July 10, 1868, conveying 7 acres and 69 poles of land. Deed noted in Notebook No. 1, page 92, and recorded in Book No. 16, pages 30 and 31, of the deed records of Rutherford County.

2. Deed from James M. Tompkins to the United States, dated February 10, 1868, conveying 8 acres and 105 poles of land. Deed noted in Notebook No. 1, page 78, and recorded in Book No. 15, page 357, of the deed records of Rutherford County.

3. Deed from James M. Tompkins to the United States, dated August 10, 1868, conveying 4 acres of land. Deed noted in Notebook No. 1, page 92, and recorded in Book 16, pages 31 and 32, of the deed records of Rutherford County.

Jurisdiction was ceded to the United States by an Act of the State Legislature approved March 9, 1867, for which see "Chattanooga National Cemetery."

TEXAS.

FORT BLISS (NEW).

This reservation contains an area of 1,265.7 acres, and is situated on the Kansas City, El Paso and Mexican Railroad, about 5 miles northeast of the City of El Paso, in El Paso County.

Lands acquired for a military post to be known as Fort Bliss, under authority of an Act of Congress approved March 1, 1890, and the evidence of title is as follows:

1. Letter Patent from the State of Texas to the United States as assignee of B. D. Russell, dated August 13, 1890, conveying 640 acres of land. Patent recorded in Patent Record Vol. 25, page 129, of the deed records of El Paso County.

2. Quit Claim Deed from Dr. Edward Alexander to the United States, dated August 30, 1890, conveying land by metes and bounds. Deed recorded in Book 24, page 292, of the deed records of El Paso County.

3. Deed from W. J. Glenn et al. to the United States, dated September 1, 1890, conveying 180.50 acres of land. Deed recorded in Book No. 19, page 285, of the deed records of El Paso County.

4. Deed from Charles R. Morehead et al. to the United States, dated

September 19, 1890, conveying 179.50 acres of land. Deed recorded in Book 19, page 286, of the deed records of El Paso County.

5. Deed from W. J. Glenn to the United States, dated February 24, 1891, conveying 30.2 acres of land. Deed recorded in Book 19, page 354, of the deed records of El Paso County.

6. Deed from Richard L. Mayer to the United States, dated March 10, 1891, conveying 30.2 acres of land. Deed recorded in Book 19, page 355, of the deed records of El Paso County.

7. Deed from B. H. Davis et al. to the United States, dated May 9, 1891, conveying 236 acres of land. Deed recorded in Book 19, page 356, of the deed records of El Paso County.

Section 34 of Article 16 of the Constitution of Texas provides:

"The legislature shall pass laws authorizing the governor to lease or sell to the Government of the United States a sufficient quantity of the public domain of the state necessary for the erection of forts, barracks, arsenals and military stations or camps, and for other needful military purposes; and the action of the governor therein shall be subject to the approval of the legislature."

Under the foregoing constitutional enactment, the State legislature passed the Acts of December 19, 1849; February 12, 1854; April 4, 1871: and November 28, 1871, giving consent to the purchase or condemnation of lands for military and other purposes by the United States: providing for the cession of jurisdiction thereto and other matters in connection therewith, which acts provide as follows:

AN ACT for ceding to the United States jurisdiction of certain lands in this State for public purposes.

"SECTION 1. *Be it enacted, etc.*, That the United States be, and they are hereby authorized and empowered to purchase, acquire, hold, own, occupy and possess such land or lands, within the limits of this State, as they shall judge it expedient and shall seek to occupy and hold, as sites on which to erect and maintain lighthouses, forts, garrisons, military stations, magazines, arsenals, dock-yards, and other needful buildings, or any of them, as contemplated and provided in the constitution of the United States; said purchases to be effected either by contract with the owner or owners of said land or lands, or in the manner hereinafter provided."

(Section 2 provides a method of acquiring the lands when the agent of the United States and owner or owners cannot agree for the sale and purchase; also provides a method of appraisement.)

(Section 3 provides for the same, etc., when owner or owners are unknown.)

"SEC. 4. *Be it further enacted*, That whenever the United States shall contract for, purchase or acquire any land or lands, within the limits of this State, for the purposes aforesaid, in either of the modes above mentioned and provided, and shall desire to acquire constitutional jurisdiction over such land or lands, for said purposes, it shall and may be lawful for the Governor of this State, upon application made to him in writing, on behalf of the United States, for that purpose, accompanied by the proper evidence of said purchase, contract or acquisition, of record, describing the land or lands sought to be ceded by convenient metes and bounds, in the name and behalf of this State, to cede to the United States exclusive jurisdiction over the land or lands so purchased or acquired and sought to be ceded to the United States, to hold, use, occupy, own, possess and exercise said jurisdiction over the same for the purposes aforesaid: *Provided always*, the consent

aforesaid is hereby given, and the cession aforesaid is to be granted and made as aforesaid upon the express condition that this State shall retain a concurrent jurisdiction with the United States, in and over the land or lands so to be ceded and every portion thereof, so far, that all process, civil or criminal, issuing under the authority of this State, or any of the Courts or judicial officers thereof, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits and extents of the land or lands so ceded, in like manner or to like effect as if this act had never been passed—saving, however, to the United States, security to their property within said limits and extent, an exemption of the same and of said land or lands from any taxation, under the authority of this State, whilst the same shall continue to be owned, held, used and occupied by the United States for the purposes above expressed and intended and not otherwise." (Act approved December 19, 1849.)

AN ACT supplemental to an Act for ceding to the United States jurisdiction of certain lands in this State, for public purposes approved 19th December, 1849.

"SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That in all cases where the State of Texas may be the owner of the land which the United States may select, and wish to acquire and occupy for any of the purposes specified in the first section of the Act to which this is supplemental, it shall be lawful for the Governor of this State to contract and agree for the sale thereof and upon the payment thereof by the United States of the purchase money into the Treasury of this State, it shall be the duty of the Commissioner of the General Land Office upon the order of the Governor, to issue a patent to the United States in like manner as other patents are issued.

"SEC. 2. That whenever the United States shall become the purchaser of any land in the manner pointed out in the preceding section and shall desire to acquire constitutional jurisdiction over the same, for any of the purposes specified in the first section of the said act to which this is supplemental, it shall be lawful for the Governor of this State to cede said jurisdiction to the United States in the same manner and under the same restrictions, as by the fourth section of said act he is authorized to make such cession on lands acquired by the United States in the manner therein authorized." (Act approved February 13, 1854.)

AN ACT giving the consent of the Legislature of the State of Texas to the purchase by the United States of land within this State for public purposes.

"SECTION 1. *Be it enacted, etc.*, That the consent of the Legislature of the State of Texas be and the same is hereby given to the purchase, by the Government of the United States, or under the authority of the same, of any tract, piece or parcel of land, from any individual or individuals, bodies politic or corporate, within the boundaries or limits of the State, for the purpose of erecting therein light-houses and other needful public buildings whatever; and all deeds, conveyances of title papers for the same shall be recorded, as in other cases, upon the land records of the county in which the land so conveyed may lie; and in like manner may be recorded a sufficient description, by metes and bounds, courses and distances of any tract or tracts, legal divisions of any public land belonging to the United States, which may be set apart by the General Government for any or either of the purposes before mentioned, by an order, patent or other official document or paper so describing such land. The consent herein and hereby given being in

accordance with the seventeenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided.

"SEC. 2. The lots, parcels or tracts of land so selected, together with the tenements and appurtenances for the purposes before mentioned, shall be held exempt from taxation by the State of Texas." (Act approved April 4, 1871.)

AN ACT amendatory of Section two of an act for ceding to the United States jurisdiction of certain lands in this State for public purposes, approved December 19, 1849.

"SECTION 1. *Be it enacted, etc.*, That section two of 'An Act for ceding to the United States jurisdiction of certain lands in this State for public purposes,' approved December 19, 1849, be so amended that hereafter it shall read as follows: If the Executive Officer, or other authorized agent employed by the United States to make such purchase or purchases, and the owner or owners of the land or lands, contemplated to be purchased as aforesaid, can not contract or agree for the sale and purchase thereof, it shall be lawful for such officer, or other agent, to apply in writing to the judge of the district court of the court in which such land or lands, or the greater portion thereof, may be situated, to estimate the value of such land or lands in the manner hereinafter mentioned, and to order a conveyance of the same to the United States for the purposes aforesaid; whereupon it shall be the duty of said judge, and he is hereby authorized and empowered, after reasonable notice given to said owner or owners, their legal representatives or guardians, to hear and finally determine the value of the land or lands in question by a competent jury, under oath, to be summoned by the sheriff or the proper officer of said court, for that purpose, or by a committee of three persons, such as shall be agreed upon and appointed by the parties aforesaid, such committee, if agreed on and appointed as aforesaid, to be duly sworn faithfully and impartially to value the land or lands last aforesaid, and the value thereof being thus ascertained to the satisfaction of said judge after survey thereof, duly made under the direction of himself, or by consent of said parties, and after such other proceedings in the premises as he shall deem right and proper he shall order and decree the same to be conveyed in due form to the United States, to be held, owned, and possessed by them for the purposes aforesaid and none other; *Provided*, That the amount of such valuation with the reasonable costs of such owner or owners attending such proceedings shall be paid to him, her or them, or into said court for his, her or their use before execution or record of such conveyance, and; provided moreover, that if it shall appear to said judge, upon objection made by such owner or owners, their representatives or guardians, that the quantity of any given tract, parcel or extent of land sought to be purchased as aforesaid is greater than reasonable, he may, in his discretion, refer the matter of such objection to the Governor of this State for his determination, and, *Provided further*, That if the Executive Officer, or other authorized agent employed by the United States to make such purchase as contemplated in this act, shall desire to purchase any land or lands owned by private party or parties and not situated within the limits of any county in this State, then, in such case, upon application being made by the said officer or agent of the United States, to the Governor of this State, it shall be the duty of the Governor to designate the district judge have [having] jurisdiction over the organized county nearest to the land or lands where purchase is thus sought; whereupon, it shall be lawful for the said officer or

agent of the United States to institute proceedings before the said judge in the county nearest to the said land or lands for the conveyance of the same to the United States for the purposes aforesaid, and it shall be the duty of the said judge, and he is hereby authorized and empowered to proceed in all things necessary to the correct valuation and to the conveyance to the United States, of said land or lands as if the same were situated within the county wherein proceedings had been instituted therefor, and the said judge shall order and decree the conveyance in due form to the United States, of such land or lands to be held, owned and possessed by the United States for the purposes aforesaid and none other." (Act approved November 28, 1871.)

"8. Deed from the Governor of the State of Texas to the United States, ceding jurisdiction over the 1,266.2 acres, in accordance with the constitution and foregoing cited laws of the State of Texas. Deed dated April 12, 1892, and recorded in Vol. 33, page 555, etc., of the deed records of El Paso County.

FORT BROWN.

This reservation contains an area of 358.08 acres, and is situated on the left bank of the Rio Grande River, 22 miles from its mouth direct, or by river about 65 miles. It is immediately adjacent to the City of Brownsville, in Cameron County, and opposite to the City of Matamoras, Mexico.

This point was first occupied as a military camp March 21, 1846, and a fort erected which was named Fort Taylor. May 17, 1846, the name was changed to Fort Brown in memory of Maj. Jacob Brown, who fell in its defense on the 6th of said month during the bombardment of the place by the Mexicans under General Arista. The post was occupied almost continuously until March 20, 1861, when it was abandoned by the United States Troops, after the surrender of General Twiggs, and immediate possession thereof was taken by the State of Texas. The Confederates destroyed the works, burned the buildings, and abandoned the fort November 6, 1863. The United States reoccupied the site in the summer of 1865 and continued in occupancy until the temporary quarters which had been erected were destroyed by a severe hurricane in the spring of 1867. The troops were quartered in the town of Brownsville during the years 1868 and 1869 while new barracks were being erected, since which time the occupation of the post has been continuous. The reservation was formerly a part of what was known as the "Espiritu Santo Grant," made by the Spanish Government in 1781 to one Don Blas Maria de la Garza, who, dying in 1802, by his will devised a one-fifth interest, which includes the reservation, to his neice, Maria Josefa Cavazos, whose title was confirmed by the United States Supreme Court at its October term, 1879, in the case of the City of Brownsville *v.* Cavazos. (See 100 U. S. Sup. Ct. Rep., 138.)

On November 7, 1853, the Secretary of War commenced proceedings in the District Court in and for the County of Cameron, at Brownsville, under the Statutes of Texas, authorizing the condemnation of private property for the use of the United States, to obtain the title to this Fort Brown reservation. The City of Brownsville and the Cavazos family were made parties to the proceedings. The cause was entitled "In the matter of the application of Stewart Van Vliet on the part of the United States, for the assessment of the value of the lands within the limits of the Garrison of Fort Brown," and the cause submitted on the 29th day November, 1853, to a jury, who returned an assessment of $50,000.

(Verdict recorded in Book A, p. 50, of Minutes of the District Court of Cameron County, Tex.) This matter remained in abeyance until the 20th day of February, 1879, when proceedings were resumed in same Court, the cause being entitled "in the matter of the condemnation by the United States, on the application by the War Department thereof, by Stewart Van Vliet, their agent, of certain lands in said county, known as the military reservation of Fort Brown, claimed by Pedro G. Cavazos under the last will, etc., of Maria Josefa Cavazos, deceased, and also claimed by the City of Brownsville," No. 1232. Order and Judgment, that upon payment of said $50,000, together with interest from said 29th day of November, 1853, into the First National Bank of Galveston, to be disposed of as hereinafter provided, the whole right, title, and interest of the City of Brownsville and of the said Maria Josefa Cavazos, deceased, and also of said Pedro G. Cavazos, her successor in interest in and to said lands and premises shall vest forever in the United States of America, etc. By a subsequent order, made and entered on the same day, (February 20, 1879), Pedro G. Cavazos was substituted as claimant and owner of said lands and premises in place of Maria Josefa Cavazos, who died November 18, 1878, testate, devising by her last will said lands and premises to her son, said Pedro G. Cavazos. (See record in Clerk's Office of said Court.) By said will Pedro G. Cavazos was named and afterwards appointed Executor of his mother's estate, but failing to file a bond required of him by the court, he was removed and Thomas Carson was appointed as General Administrator with the will annexed, to whose control the entire interest and estate of Maria Josefa Cavazos was transferred. Afterwards, to wit, July 4, 1887, an action was commenced in the Circuit Court of the United States for the Western District of Texas, at Brownsville, entitled "No. 248, Heirs of Miguel Salinas *v.* William L. Kellogg et al.," and on the 14th day of said month a trial was had before a jury, who returned a verdict upon which judgment was rendered to the effect that as to all the persons before the Court as parties plaintiff or defendant, including the United States, represented by said Kellogg, they take nothing by their suit or pleas therein excepting James Stillman, and Thomas Carson, Administrator, etc., of the estate of Maria Josefa Cavazos, who take the property and premises known as Fort Brown, describing it, in equal moieties, James Stillman in his own right one moiety and Thomas Carson, as such Administrator, etc., the other moiety. It was also adjudged that the United States had been in actual and exclusive possession of said property and premises as a military reservation for many years. It was therefore ordered that all the right, title, and interest in and to the premises and property be divested from and out of all the parties to said cause, including the United States, and vested in the said James Stillman and Thomas Carson, as Administrator, etc., of Maria Josefa Cavazos, in equal moieties, and that said Stillman and Carson, Administrator, etc., are also entitled to have and recover all rents, etc., for use and occupation of said premises from the year 1846.

By an Act of Congress, approved March 3, 1885, the following provision was made for acquiring title to said reservation:

"To enable the Secretary of War to acquire good and valid title for the United States to the Fort Brown Reservation, Texas; and to pay and extinguish all claims for the use and occupancy of said reservation by the United States, the sum of One hundred and sixty thousand dollars: *Provided*, That no part of this sum shall be paid until a com-

plete title is vested in the United States; and the full amount of the price, including rent shall be paid directly to the owners of the property." (See U. S. Stats. at Large, Vol. 23, p. 507.)

Under the foregoing act of Congress, title was procured, the evidence of which is as follows:

1. Deed from James Stillman, and Thomas Carson, the latter as Administrator with the will annexed, of the estate of Maria Josefa Cavazos, deceased, to the United States, dated October 14, 1887, conveying the 358.08 acres known as the "Fort Brown Property." Deed recorded in Vol. J, page 382, etc., of the deed records of Cameron County, in Brownsville.

2. Quit-Claim Deed from S. Josephine Allen by Thomas Carson her attorney in fact, to the United States, dated October 24, 1887, conveying by way of release all interest in above premises. Deed recorded in Vol. J, page 380, etc., of the deed records of Cameron County. Power of Attorney to Thomas Carson recorded in Vol. A, page 237, etc., of the deed records of Cameron County.

3. Deed from Frances J. Hale et al., Heirs of William G. Hale, deceased, to the United States, dated November 15, 1887, conveying all interest in above premises. Deed recorded in Vol. J, page 384, etc., of the deed records of Cameron County.

4. Quit-Claim Deed from Thomas Carson to the United States, dated December 12, 1887, conveying all interest in "Fort Brown Property." Deed recorded in Vol. J, page 387, etc., of the deed records of Cameron County.

5. Deed of Release from James Stillman and Thomas Carson, the latter as Administrator, with the will annexed, of Maria Josefa Cavazos, deceased, by John A. Garver, their Attorney in fact, to the United States, dated March 25, 1895, releasing all demands, etc. Deed recorded in Vol. J, page 388, etc., of the deed records of Cameron County. Power of Attorney from James Stillman to John A. Garver recorded in Vol. A, page 241, etc.; the Power of Attorney with power of substitution from Thomas Carson, Administrator, etc., to James Stillman, and Power of Attorney from James Stillman to John A. Garver as substitute recorded in Vol. A, page 238, etc., of the deed records of Cameron County.

6. Quit-Claim Deed from Kate M. Combe and husband et al. to the United States, dated April 17, 1886, conveying all interest in "Fort Brown Military Reservation."

7. Quit-Claim Deed from Charles S. Dana and wife to the United States, dated May 1, 1886, conveying all interest in "The Military Reservation of Fort Brown."

For jurisdiction see acts of the State Legislature under the title "Fort Bliss (New)."

8. Deed from the Governor of Texas to the United States, ceding jurisdiction over the reservation in accordance with the Constitution and foregoing-cited Laws of the State of Texas. Deed dated June 24, 1895, and recorded in Vol. J, page 427, etc., of the deed records of Cameron County.

NOTE.—Title: For an exhaustive opinion as to the validity of the title to the property known as "Fort Brown," and an extinguishment of all claims for use and occupancy of the reservation *v.* The United States, see Vol. 19, page 82, Opinion Attorneys-General.

Same: The Treaty of Guadaloupe Hidalgo had no relation to property within the State of Texas. (Basse *v.* Brownsville, 154 U. S., 160.)

BROWNSVILLE NATIONAL CEMETERY.

This reservation contains an area of 25.50 acres, right of way, etc., and is situated about 1 mile from Brownsville, in Cameron County. The title is as follows:

Decree of condemnation for said tract in the matter of the application of the United States for an appraisement, etc. Decree rendered March 22, 1872, in the United States District Court for the Eastern District of Texas, and recorded on pages 150 and 151 of the minute book of said proceedings in the Clerk's Office of said Court at Brownsville.

For consent to condemnation and provision for ceding jurisdiction, see Acts of the State Legislature under the title "Fort Bliss (New)."

FORT CLARK.

This reservation contains an area of 3,963.02 acres, and is situated on the south bank of and about 400 yards from the head of Las Moras Creek, opposite Brackettville, in Kinney County. Post first occupied June 20, 1852. The title is as follows:

Purchase was made under authority of an Act of Congress approved April 16, 1880.

Deed from Mary A. Maverick to the United States, dated December 11, 1883, conveying 3,896.46 acres of land. Deed recorded in Vol. A, No. 5, page 25, of the deed records of Kinney County. (This property was formerly held by lease from Samuel Maverick to the United States.)

For consent to the purchase and provision for cession of jurisdiction, see Acts of the State Legislature under the title of "Fort Bliss (New)."

FORT DAVIS.

This reservation contains an area of 300 acres, and is situated in Presidio County. The title is as follows:

Deed from Daniel Murphy and wife to the United States, dated May 24, 1883, conveying 300 acres. Deed recorded in Book No. 2, page 311, etc., of the deed records of Presidio County.

For consent to purchase and provision for cession of jurisdiction, see Acts of the State Legislature under the title of "Fort Bliss (New)."

DEL RIO CAMP.

This reservation contains an area of 407.93 acres, and is situated on San Felipe Creek, 30 miles west of Fort Clark and 1½ miles from San Felipe, in Kinney County. The title is as follows:

1. Deed from The San Filipe Agricultural, Manufacturing and Irrigation Company to the United States, dated April 15, 1880. Deed recorded in Vol. A, No. 3, page 461, etc., of the deed records of Kinney County.

For consent to purchase and cession of jurisdiction, see Acts of the State Legislature under the title "Fort Bliss (New)."

2. Deed from the Governor of Texas to the United States ceding jurisdiction over the reservation, in accordance with the Constitution and foregoing cited Laws of the State of Texas. Deed dated July 28, 1882, and recorded in Vol. A, No. 3, page 529, etc., of the deed records of Kinney County.

EAGLE PASS.

(A subpost of Fort Clark.)

This reservation contains an area of 155.29 acres, and is situated in the town of Eagle Pass, in Maverick County. The title is as follows:

1. Deed from William S. Smith, Executor, etc., to the United States, dated July 9, 1892, conveying 62.94 acres. Deed recorded in Vol. W, No. 2, page 413, etc., of the deed records of Maverick County.

2. Deed from William S. Smith, Executor, etc., to the United States, dated July 9, 1892, conveying 92.35 acres. Deed recorded in Vol. W, No. 2, page 415, etc., of the deed records of Maverick County.

3. Decree of the Circuit Court of the United States for the Western District of Texas, in the case of Maggie Cassidy et al. *v.* William S. Smith, Executor, etc., No. 73, confirming and ratifying the said conveyances of said Executor, etc., to the United States. Decree rendered July 2, 1893, and filed with the record in said cause in the Clerk's office said Court at San Antonio.

4. Amended decree of said Court, between same parties, reaffirming and ratifying said conveyances. Amended decree rendered November 16, 1893, and filed with the record in said cause in the Clerk's Office of said Court at San Antonio.

For consent to purchase, provisions for condemnation, and cession of jurisdiction, see Acts of the State Legislature under the title "Fort Bliss (New)."

5. Deed from the Governor of Texas to the United States ceding jurisdiction over the reservation, in accordance with the Constitution and foregoing cited Laws of the State of Texas. Deed dated March 31, 1894, and recorded in Vol. W, No. 2, page 473, etc., of the deed records of Maverick County.

GALVESTON (FORTIFICATIONS AT).

This reservation contains an area of 41.32 acres and is situated in the City of Galveston and County of Galveston. The title is as follows:

1. Deed from The Galveston Land and Improvement Company to the United States, dated January 18, 1897, conveying Blocks Numbered 213 to 216, inclusive; 233 to 240, inclusive, and 257 to 260, inclusive; the same forming, with the streets and avenues which are also conveyed, Out Lots 205, 206, 230, and 231. Deed recorded in Book 141, pages 431 to 436, of the deed records of Galveston County, at Galveston.

2. Ratification by The Galveston Company, etc., of sale and conveyance of Lots, Streets, Avenues, etc., dated January 18, 1897, as per No. 1, supra. Recorded in Book 157, page 402, etc., of the deed records of Galveston County, at Galveston.

3. Quit Claim Deed from the Galveston City Company to the United States, dated February 15, 1897, conveying all interest in the streets and avenues that cross and traverse Out Lots 205, 206, 230, and 231 (described in Deed No. 1, supra); also a strip of land between Out Lots 230 and 231 and the Gulf of Mexico. Deed recorded in Book 141, page 429, etc., of the deed records of Galveston County at Galveston.

4. Ordinance of City Council of Galveston, ceding streets, avenues, etc., as described in Deed No. 1, supra. Original act part of the records in the City Clerk's Office at Galveston.

5. By an Act of the State Legislature passed February 15, 1897,

which became a law March 3, 1897, without the Governor's signature, the action of the City Council of Galveston in ceding to the United States the streets, alleys, and other public highways intervening between the blocks and lots purchased by the United States for fortification purposes was confirmed and ratified. (See Laws of Texas, 1897, p. 13.)

For consent to purchase and cession of jurisdiction, see Act of the State Legislature, under the title "Fort Bliss (New)."

6. Deed from the Governor of Texas to the United States ceding jurisdiction over the reservation, in accordance with the Constitution and foregoing-cited laws of the State of Texas. Deed dated September 21, 1897.

FORT M'INTOSH.

This reservation contains an area of 208 acres, and is situated on the Rio Grande River, 1 mile from the City of Laredo, in Webb County. The title is as follows:

Deed from the City of Laredo to the United States, dated May 29, 1875, conveying the above tract of land. Deed recorded in Book D, Vol. 5, page 358, of the deed records of Webb County.

For consent to purchase and provision for cession of jurisdiction, see acts of the State Legislature under the title "Fort Bliss (New)."

PELICAN SPIT.

This reservation contains about 79 acres of land, and is situated about 1,900 yards east of Pelican Island, on Pelican Spit, in Galveston Bay, 2½ miles from the City of Galveston, in Galveston County. The title is as follows:

Letter Patent from the State of Texas to the United States, dated May 25, 1859, conveying the above tract by metes and bounds. Patent No. 611 recorded in Vol. 19 of the record of patents in the office of the Commissioner of the General Land Office, at Austin.

Deed from the Governor of the State of Texas to the United States, dated July 14, 1859, ceding jurisdiction. (See acts of the State Legislature approved December 19, 1849, and February 12, 1854, under the title "Fort Bliss (New).")

FORT POINT.

This reservation contains an area of about 15 acres (with additions by accretion), and is situated on the east end of Galveston Island, in Galveston County. The title is as follows:

Reserved for public purposes by an act of the Republic of Texas, dated December 9, 1836, and under the Joint Resolution of Congress passed March 1, 1845 (Articles of Annexation), was ceded to the United States.

The following Act seems to cede the reservation:

AN ACT authorizing the Governor of the State of Texas to cede and transfer to the United States, all of the property of whatever description soever, embraced in or contemplated by the joint resolution of both Houses of Congress of the United States, approved 1st of March, 1845, and the eighth section of the thirteenth article of the Constitution of the State of Texas.

"SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Governor thereof be, and hereby is, authorized and fully empowered to cede, transfer and deliver over to the United States or any agent or agents by them appointed, by such instrument in writing, or other means as he may deem proper and necessary, all the public

edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence, belonging to the Republic, now the State, of Texas." (Approved March 25, 1846.)

FORT RINGGOLD.

This reservation contains an area of 350 acres, and is situated on the Rio Grande River 23 miles from San Miguel, on the Mexican National Railroad, in Starr County. The title is as follows:

Decree of condemnation for the above 350 acres of land in Cause No. 256, The United States, by Nelson B. Sweitzer, *v.* Josefa Garza de Salinas et al., in the District Court of Starr County. Decree rendered March 30, 1878, and recorded in Book B, pages 421 to 423, of the minutes of said Court. Decree amended on same day and, as amended, recorded in Book B, page 464, etc., of the minutes of said Court.

For provision for acquiring property by condemnation, etc., see Acts of the State Legislature under the title "Fort Bliss (New)."

SAN ANTONIO ARSENAL.

This reservation contains about 15.92 acres, and is situated in the City of San Antonio, in Bexar County. The title is as follows:

1. Deed from Gregory P. Divine to the United States, dated March 8, 1859, conveying 8.17 acres of land. Deed recorded in Book R, No. 1, page 198, etc., of the deed records of Bexar County.

2. Deed from P. H. Bell and wife to the United States, dated May 2, 1859, conveying 7.75 acres of land. Deed recorded in Book R, No. 1, page 197, etc., of the deed records of Bexar County.

For jurisdiction, etc., see Act of the State Legislature approved December 19, 1849, and Act amendatory thereof, approved February 13, 1854, under the title "Fort Bliss (New)."

3. Deed from the Governor of Texas to the United States ceding jurisdiction over the lands described in above deeds, in accordance with the Constitution and foregoing cited Laws of the State of Texas. Deed dated September 22, 1859.

SAN ANTONIO NATIONAL CEMETERY.

This reservation contains an area of 3.63 acres, and is situated at San Antonio, in Bexar County. The title is as follows:

1. Deed from the City of San Antonio to the United States, dated November 15, 1867, conveying 1.09 acres of land.

2. Deed from the City of San Antonio to the United States, dated April 14, 1871, conveying 1.89 acres of land, in lieu of deed marked No. 1, supra, and unrecorded. This deed recorded in Book W 1, page 155, of the deed records of Bexar County. Duplicate deed authorized at a regular meeting of the City Council, April 11, 1871, and recorded in Book C, page 17, of the minutes of said Council.

3. Deed from the City of San Antonio to the United States, dated April 10, 1884, conveying about 1.75 acres of land. Deed recorded in Vol. 33, page 442, of the deed records of Bexar County. Sale authorized at a regular meeting of the City Council, February 19, 1884, and recorded in the minutes of said Council in the City Clerk's Office.

Paragraph 35 of Section 1 of Article 3 of an Act of the State Legislature entitled "An Act to incorporate the City of San Antonio," approved June 17, 1856, authorizes and empowers the City to sell any

of its property, real or personal, lying within or beyond the limits of the City.

For jurisdiction, etc., see acts of the State Legislature, under the title "Fort Bliss (New)."

4. Deed from the Governor of Texas to the United States ceding jurisdiction over the lands described in deed marked No. 3, supra, in accordance with the Constitution and the foregoing cited Laws of the State of Texas. Deed dated August 25, 1884, and recorded in Vol. 38, page 278, etc., of the deed records of Bexar County.

FORT SAM HOUSTON.

This reservation contains an area of 469.23 acres, and is situated near the City of San Antonio, in Bexar County. The title is as follows:

1. Deed of Donation from the City of San Antonio to the United States, dated May 6, 1870, conveying about 40 acres of land. Deed recorded in Book V, No. 1, page 433, etc., of the deed records of Bexar County.

2. Deed of Donation from the City of San Antonio to the United States, dated August 11, 1871, conveying 43 acres of land. Deed recorded in Book W, No. 1, page 324, etc., of the deed records of Bexar County.

3. Deed of Donation from the City of San Antonio to the United States, dated June 16, 1875, conveying 9.07 acres of land. Deed recorded in Vol. 2, page 467, etc., of the deed records of Bexar County.

4. Deed of Donation from the City of San Antonio to the United States, dated June 30, 1878, conveying by metes and bounds, according to a resurvey made by the United States Government, the lands described in the foregoing deeds of donation marked Nos. 1, 2, and 3, supra, aggregating 92.79 acres. New deed recorded in Vol. No. 11, page 150, etc., of the deed records of Bexar County.

5. Deed from Adele R. T. Beauregard et al. to the United States, dated July 11, 1881, conveying a tract of land by metes and bounds. Deed recorded in Vol. 20, page 188, etc., of the deed records of Bexar County.

6. Deed from William W. Dykman to the United States, dated September 11, 1882, conveying a tract by metes and bounds. Deed recorded in Vol. 27, page 370, etc., of the deed records of Bexar County.

7. Deed from E. H. Cunningham and wife to the United States, dated September 25, 1882, conveying 44.50 acres of land. Deed recorded in Vol. 27, page 371, etc., of the deed records of Bexar County.

8. Deed from William Trout and wife to the United States, dated October 10, 1882, conveying a tract by metes and bounds. Deed recorded in Vol. 27, page 366, etc., of the deed records of Bexar County.

9. Deed from Christian Mueller and wife to the United States, dated October 11, 1882, conveying a tract by metes and bounds. Deed recorded in Vol. 27, page 368, etc., of the deed records of Bexar County.

10. Deed from Jennie L. Smith and husband to the United States, dated October 11, 1882, conveying a tract by metes and bounds. Deed recorded in Vol. 27, page 364, etc., of the deed records of Bexar County.

11. Deed from James H. Bigger to the United States, dated November 2, 1882, conveying 43.90 acres of land by way of confirmation of conveyances heretofore made and who have conveyed to the United States. Received for record November 14, 1882, by County Clerk of Bexar County.

12. Deed from John McMahon to the United States, dated November 13, 1882, conveying a tract by metes and bounds. Deed recorded in Vol. 27, page 367, etc., of the deed records of Bexar County.

13. Deed from Edward Braden and wife to the United States, dated December 2, 1882, conveying about 4 acres.

14. Deed from John Moreau and wife to the United States, dated November 2, 1882, conveying a tract of land therein described.

15. Deed from E. H. Cunningham and wife to the United States, dated December 5, 1882, conveying * * *.

16. Deed from H. B. Adams and E. D. L. Wickes to the United States, dated December 8, 1882, conveying a tract of land by metes and bounds.

17. Decree of Condemnation in Cause No. 1183, The United States of America *v.* Unknown Owners of 19.29 acres of land, in the District Court of Bexar County. Decree rendered and made final May 25, 1883, and filed with the record in the cause in the Clerk's Office of said Court. Recorded in Vol. 27, page 579, etc., of the deed records of Bexar County.

18. Deed from Caroline Kampmann to the United States, dated August 26, 1886, conveying 310 acres. Deed recorded in Vol. 53, page 544, etc., of the deed records of Bexar County.

(By an Act of Congress, approved January 29, 1887, a strip of land known as "Pine Street" was released to the City of San Antonio.)

Paragraph 35 of Section 1 of Article 3 of an Act of the State Legislature entitled "An Act to incorporate the City of San Antonio," approved June 17, 1856, authorizes and empowers the City to sell any of its property, real or personal, lying within or beyond the limits of the City.

For consent to purchase, condemnation proceedings, and cession of jurisdiction, see Acts of the State Legislature under the title "Fort Bliss (New)."

Under the Act above cited, the following were executed:

1. Deed from the Governor of Texas to the United States ceding jurisdiction over 40 acres, more or less, in accordance with the Constitution and the foregoing cited Laws of the State of Texas. Deed dated June 23, 1870.

2. Deed from same to same, dated June 4, 1883, ceding jurisdiction over after-acquired lands, in accordance with the Constitution and Laws of Texas. Deed recorded in Vol. 27, page 310, etc., of the deed records of Bexar County.

3. Deed from same to same, dated August 17, 1883, ceding jurisdiction over after-acquired lands, in accordance with the Constitution and Laws of Texas. Deed recorded in Vol. 31, page 143, etc., of the deed records of Bexar County.

4. Deed from same to same, dated April 19, 1887, ceding jurisdiction over 310 acres, in accordance with the Constitution and Laws of Texas. Deed recorded in Vol. 54, page 54 and 55, of the deed records of Bexar County.

UTAH.

FORT DOUGLAS.

This reservation contains an area of about 9,250 acres, and is situated about 3 miles from Salt Lake City, in Salt Lake County. The title is as follows:

1. A reservation of 4 square miles, taken from the public domain, was declared for military purposes by Executive Order dated Septem-

ber 3, 1867. This reserve was reduced by an Act of Congress approved May 16, 1874, ceding 20 acres to Salt Lake City for cemetery purposes, and again by an Act of Congress, approved January 21, 1885, restoring 151.81 acres to the public domain, leaving 2,488.19 acres.

2. Deed from Le Grand Young, Trustee, etc., to the United States, dated April 23, 1888, conveying 1,920 acres therein described, to protect and preserve the water supply of Fort Douglas. Deed recorded in Book 2 N, page 343, etc., of the deed records of Salt Lake County. The foregoing described tract purchased under authority of an Act of Congress approved March 3, 1887; and by the same act an addition of about 1,920 acres was added to the reservation for same purpose, making the addition by that Act 3,840 acres.

3. The reservation was again enlarged by Executive Order dated March 13, 1890, adding 2,520 acres thereto, for military purposes, so much of the public domain.

4. An addition of about 400 acres taken from the public domain was made by Executive Order dated June 8, 1896.

No cession of jurisdiction.

FORT DU CHESNE.

This reservation contains an area of 6 square miles, or 3,840 acres, and is situated on the right bank of the Uintah River about 8 miles above its confluence with the Du Chesne River, within the limits of the Uintah Indian Reservation, in Uintah County. By Executive Order dated September 1, 1887, the above tract embraced within the limits of the Uintah Indian Reservation, created by Executive Order dated October 3, 1861, and Act of Congress approved May 5, 1864, was proclaimed a military reservation for the post of Fort Du Chesne. No cession as a military reservation, but as the Indian title has not been extinguished (such as it is), exclusive jurisdiction is ceded by Section 2 of Article 3 of the Constitution of the State of Utah, which provides as follows:

"The people inhabiting this State do affirm and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries hereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States." * * *

OGDEN OBSERVATORY.

This reservation contains an area of 2.57 acres, and is situated at Ogden, in Weber County. The title is as follows:

1. Deed from Myron W. Butler and wife to the United States, dated December 12, 1874, conveying the 2.57 acres above noted. Deed recorded in Book J, page 11, of the deed records of Weber County.

2. Deed from same to same, dated October 14, 1878, conveying same land, and recorded in Book L, page 431, of the deed records of Weber County.

No cession of jurisdiction.

VERMONT.

PROSPECT HILL CEMETERY.

(Soldiers' lot in.)

This lot contains an area of 1,500 square feet, and is situated in Prospect Hill Cemetery, at Brattleboro, in Windham County. The title is as follows:

Deed from "The Prospect Hill Association" to the United States, dated August 28, 1869, conveying above lot. Deed recorded in Book Y, page 520, of the deed records of Windham County, in the office of the Town Clerk of Brattleboro.

FORT ETHAN ALLEN.

This reservation contains an area of 761.08 acres, and is situated in Colchester and Essex Townships in Chittenden County, 2 miles from Essex Junction and 6 miles from the City of Burlington. The original purchase of 600 acres was made under authority of an act of Congress approved August 5, 1892. An addition of 161.08 acres was purchased under authority of an act of Congress approved August 18, 1894. The title is as follows:

1. Deed from Sidney H. Weston to the United States, dated December 8, 1892, conveying 50 acres of land. Deed recorded in Vol. 28, page 155, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

2. Deed from Sidney H. Weston to the United States, dated December 8, 1892, conveying 26.76 acres of land. Deed recorded in Vol. 28, page 154, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

3. Deed from Sidney H. Weston to the United States, dated December 8, 1892, conveying 32.33 acres of land. Deed recorded in Vol. 28, page 153, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

4. Deed from Sidney H. Weston to the United Staes, dated December 8, 1892, conveying 20 acres of land. Deed recorded in Vol. 28, page 152, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

5. Deed from M. F. Kelley and wife to the United States, dated December 8, 1892, conveying 50 acres of land. Deed recorded in Vol. 28, page 156, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

6. Deed from Madison L. Baldwin and wife to the United States, dated December 8, 1892, conveying 193 acres of land. Deed recorded in Vol. 28, page 159, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

7. Deed from Edmund J. Moseley and wife to the United States, dated December 10, 1892, conveying 109 acres of land. Deed recorded in Vol. 28, page 160, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

8. Deed from George W. Beckwith, Assignee, etc., to the United States, dated December 15, 1892, conveying 14.47 acres of land. Deed recorded in Vol. 28, page 158, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

9. Deed from Graton Brand and wife to the United States, dated December 21, 1892, conveying 43.45 acres of land. Deed recorded in Vol. 20, page 234, of the Land Records of Chittenden County, in the Clerk's Office at Essex.

10. Deed from Graton Brand and wife to the United States, dated December 21, 1892, conveying 60.99 acres of land. Deed recorded in Vol. 28, page 157, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

11. Deed from Michael Kelly to the United States, dated December 12, 1892, conveying right of way for water and sewage. Deed recorded in Vol. 27, page 421, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

12. Deed from Graton Brand to the United States, dated December 15, 1892, conveying right of way for water and sewage. Deed recorded in Vol. 20, page 235, of the Land Records of Chittenden County, in the Clerk's Office at Essex.

13. Deed from Graton Brand to the United States, dated April 20, 1893, conv ying right of way for water and sewage. Deed recorded in Vol. 27, page 441, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

14. Deed from Edmund J. Moseley and wife to the United States, dated September 14, 1893. conveying right of way as described. Deed recorded in Vol. 27, page 462, of the Land Records of Chittenden County, in the Clerk's Office at Colchester.

15. Decree of Condemnation for 161.8 acres of land, in the cause of the United States *v.* Graton Brand, in the District Court of the United States for the District of Vermont. Decree rendered January 8, 1896, and filed with the record of said cause in the Clerk's Office of said Court at Brattleboro.

16. Deed from Graton Brand and wife to the United States, dated June 22, 1896, conveying the land above condemned (No. 15, supra). Deed recorded in Vol. 30, page 116, of the Land Records of Chittenden County, in the Clerk's Office at Colchester; also recorded in Vol. 20, page 356, of the Land Records of Chittenden County, in the Clerk's Office at Essex.

17. Resolution by the Town of Colchester granting the right to the United States to lay and forever maintain pipes and conduits for sewage in the highways of the town, and also discontinuing for the benefit of the United States a highway called "Dunbar Place." Passed November 15, 1892, and recorded in the office of the Town Clerk of the Town of Colchester.

Jurisdiction was ceded to the United States by an act of the General Assembly of the State, approved November 18, 1892, which act provides as follows:

"SECTION 1. The consent of the legislature of the State of Vermont is hereby given to the United States to acquire by purchase, gift or otherwise, such lands in the towns of Colchester and Essex in this State, as the United States may select for the establishment and maintenance of a Military Post; and exclusive jurisdiction is hereby ceded to the United States over and in respect to any and all lands in said towns of Colchester and Essex so acquired by the United States for such purpose; said jurisdiction to continue as long as said lands are held and occupied by the United States for public purposes; reserving however to this State a concurrent jurisdiction for the execution upon said lands of all process, civil or criminal, lawfully issued by the Courts of this State, and not incompatible with this cession."

GREEN MOUNT CEMETERY.

(Soldiers' lot.)

This reservation is known as Lot No. 324, and is situated in "Green Mount Cemetery," in the City of Montpelier, in Washington County. The title is as follows:

Deed from the Town of Montpelier to the United States, dated March 28, 1866, conveying above-described lot.

VIRGINIA.

ALEXANDRIA NATIONAL CEMETERY.

This reservation, containing an area of 5.50 acres of land and right of way, is situated near Alexandria, in Fairfax County. The title is as follows:

1. Deed from John H. Baggett and wife to the United States, dated November 8, 1865, conveying 88,164 square feet of ground. Deed recorded in Liber S, No. 4, page 38, of the deed records of Fairfax County.

2. Deed from John H. Baggett and wife to the United States, dated November 24, 1870, conveying 8¼ square perches of land. Deed recorded in Liber S, No. 4, page 37, of the deed records of Fairfax County.

3. Deed from John Baggett and wife to the United States, dated December 19, 1882, conveying 1.61 acres of land. Deed recorded in Liber B, No. 5, page 576, of the deed records of Fairfax County.

4. Lease from the City of Alexandria to the United States for 999 years, dated June 1, 1862, leasing 2 acres of land. Lease recorded in Liber S, No. 4, page 41, of the deed records of Fairfax County.

5. Quit Claim Deed from the City of Alexandria to the United States, dated May 6, 1875, conveying all interest in land described in above lease. Deed executed by the Mayor under authority of an Ordinance of the City Council of Alexandria, passed April 27, 1875, and recorded in Liber S, No. 4, page 238, of the deed records of Fairfax County.

6. Deed from the City of Alexandria to the United States, dated July 17, 1891, conveying a right of way 30 feet wide over certain streets, etc., to the cemetery. Deed recorded in Book K, No. 5, page 623, of the deed records of Fairfax County.

Jurisdiction was ceded to the United States by an Act of the State Legislature, approved March 26, 1872, which provides as follows:

"1. Whereas, it is represented by William Myers, Captain and depot quartermaster, that he is instructed by the Quartermaster-General of the United States Army to apply to the general assembly for its consent to the purchase by the authorities of the United States of a tract of land in the County of Fairfax, near the City of Alexandria, now occupied as a national cemetery, and that according to his description of said land it is laid down and bounded as follows: (Here describes the lands.)

"*Be it enacted, etc.*, That the consent of this State is hereby given to the purchase of said land from the owners thereof, whether individuals or corporation, by the Government of the United States of America, or its authorized officers or agent, to be occupied and used as a National Military Cemetery, and for this purpose only. But this consent is given, subject to the following terms and conditions, to wit:

"First. That this State retains concurrent jurisdiction with the United States over the said place, so that Courts, magistrates and offi-

cers of this State may take such cognizance, execute such process and discharge such other legal functions within the same as may not be incompatible with the consent hereby given.

"Second. That if the purposes of this grant should cease, or there should be for five years consecutively a failure on the part of the United States to use said place for said purpose, then the jurisdiction hereby ceded shall cease and determine and the same shall revert to the Commonwealth of Virginia.

"The said tract of land and the buildings that may be erected thereon for the purpose aforesaid, and any property of the United States for said purposes on said tracts, are hereby exempted from all taxes imposed by this State or by the constituted authorities of the County of Fairfax or the City of Alexandria; but this exemption shall continue only so long as the United States shall be and remain the owners of said Military Cemetery."

ARLINGTON.

This reservation contains, according to survey, 1,073.4 acres and is situated on the West bank of the Potomac River, opposite Washington, D. C. The following is inserted here as containing a full statement of the title, etc.:

"This tract of land, containing about 1,100 acres, improved by sundry buildings, etc., the legal title to which, under the will of George W. Parke Custis, who died in 1857, was in Mrs. Mary Ann Randolph Lee, the wife of Gen. Robert E. Lee, for life, with remainder over to George Washington Custis Lee in fee conditional, was taken possession of by the United States in the Spring of 1861 as within their military lines and the immediate scene of important military operations against an enemy then in arms against the Government, and so continued in possession for such purposes after the course of events had carried military occupation and operations elsewhere, as a defensible position for fortifications to command the capital. Subsequently, under a certain direct-tax act of June 7, 1862, and February 6, 1863, a tax was assessed against the property, and, in default of payment, the usual sale was had, when the United States, pursuant to authority of law, bid in the property at the tax sale 'for Government use for war, military, charitable, and educational purposes,' and under this title continued in possession until 1883. During this period a considerable part of the property was devoted to a cemetery for deceased soldiers of the United States, under the style of the *Arlington National Cemetery;* another considerable part for the erection of a fort and the works connected therewith, under the name of Fort Whipple, subsequently changed to *Fort Myer;* and a third and smaller part for the occupation of homeless and destitute freedmen and colored refugees.

"After the close of the war, Mrs. Lee having deceased, the remainderman, George W. P. C. Lee, claiming that the tax sale was defective, brought an action of ejectment in the Circuit Court for the County of Alexandria, Va., which was removed by a writ of *certiorari* into the Circuit Court of the United States, where it was heard and determined in favor of the claimant. From this decision the case was taken to the Supreme Court on writs of error, and the latter court, at its October term, 1882, affirmed the judgment in favor of Mr. Lee, on the ground that the tax certificate and sale did not divest the plaintiff of his title to the property. (See U. S. *v.* Lee; Kaufman *v.* Lee, 16 Otto, 196.) Under this new condition of affairs, involving a possible removal of

thousands of bodies from the cemetery, the dismantling of a fort, and the dispossession of many colored people whom the United States had permitted to reside on a part of the tract, and in order to secure a complete title to the property, the United States, under authority of an act approved March 3, 1883, accepted an offer of Mr. Lee to convey the same, with covenant of general warranty against every manner of claim against or in respect of said property, in *rem.* or in *personam*, and also against all and every claim for damages on account of the use or occupation of said property, for the sum of $150,000.

"Accordingly, on the 31st of March, 1883, for and in consideration of $125,000 in hand paid ($25,000 being retained until jurisdiction should be ceded by the State of Virginia, with perpetual exemption from taxation), the estate all and singular was conveyed to the United States by deed in fee simple by George W. P. C. Lee for himself, his heirs, and assigns forever (Deed recorded in Book F 4, records Alexandria County, Va., p. 257, May 14, 1883); and on the 25th of March, 1884, the general assembly of the State of Virginia having, by act approved February 23, 1884, ceded its jurisdiction over the said land and exempted the same from taxation, the final payment of $25,000 was made, and the Arlington Estate became the property of the United States."

By order of the Secretary of War, dated January 11, 1897, the limits of the National Military Cemetery within the foregoing-described estate, were defined and the area fixed at $408\frac{1}{10}$ acres.

By order of the Secretary of War, dated February 8, 1889, the limits of the post of Fort Myer within the aforesaid-described estate were defined and the area fixed at 186 acres, and the remainder of the estate placed in charge of the Quartermaster's Department.

The jurisdiction ceded to the United States by the Act of the State Legislature, heretofore referred to, is as follows:

"Whereas, Robert T. Lincoln, Secretary of War of the United States, has made application to this General Assembly, for its consent to the purchase by the authorities of the United States of a tract of land, described as follows: All that certain tract or body of land, situate in Alexandria County (formerly in Fairfax County), in the State of Virginia, commonly known as the Arlington House estate, containing eleven hundred acres, be the same ever so much more or less, being the identical tract or body of land, which was conveyed by Gerard Alexander and wife, to John Park Custis, by deed bearing date, December twenty-fifth, A. D. one thousand seven hundred and seventy-eight, and of him the said John Park Custis, inherited by George W. P. Custis, who devised the same to George W. C. Lee, and by him, the said George W. C. Lee, conveyed to the United States, by deed bearing date the thirty-first day of March, eighteen hundred and eighty-three, recorded in Liber F, number four, folio two hundred and fifty-seven, one of the land records of Alexandria County, Virginia; and whereas, the United States authorities held possession of said real estate, claiming absolute ownership thereof from January eleventh, eighteen hundred and sixty-four, until March thirty-first, eighteen hundred and eighty-three, and used the same as a national cemetery for the burial of deceased soldiers and sailors, and for other public purposes, during which period no taxes, or county or township levies were either demanded or paid thereon, and for which a claim has been recently asserted; therefore,

"1. *Be it enacted by the General Assembly of Virginia*, That the consent of this state is hereby given to the purchase of said tract of land

by the Government of the United States of America, but this consent is given subject to the following terms and conditions, to wit: That this State retains concurrent jurisdiction with the United States over the said tract of land, so that courts, magistrates and officers of this state may take such cognizance, execute such process, and discharge such other legal functions within the same as may not be incompatible with the consent hereby given.

"2. That said tract of land and the buildings now or that may hereafter be erected thereon, and any property of the United States, on said tract, are hereby exempted from all taxes imposed by this state, or by the constituted authorities of Alexandria County, and this exemption shall be in force from the date of said purchase by the United States, March thirty-first, eighteen hundred and eighty-three, and shall continue only so long as the United States shall be and remain the owner of said tract of land; and all taxes, and county, township and district levies, due or claimed to be due, for, against or upon said real estate since the same went into possession of and has been held and used by the United States authorities, as aforesaid, are hereby released and discharged."

ARLINGTON NATIONAL CEMETERY.

This reservation contains an area of $408\frac{1}{30}$ acres, being a portion of the Arlington Estate.

See Arlington for situation, title, and jurisdiction.

BALLS BLUFF NATIONAL CEMETERY.

This reservation contains an area of 2,500 square feet of land, and is situated about 2 miles from Leesburg, in Loudoun County. The title is as follows:

Taken possession of and inclosed by the United States Government in 1865.

BELLONA ARSENAL.

This reservation contains an area of 27.50 acres of land, and is situated on the South side of the James River in Chesterfield County. The title is as follows:

Deed from William Trabue and wife and Mary Reddy to the United States, dated September 21, 1815, conveying the above-described 27.50 acres. Deed recorded October 9, 1815, in the Clerk's Office of Chesterfield County.

Jurisdiction was ceded to the United States by an act of the State Legislature, passed February 22, 1845, which provides as follows:

"1. *Be it enacted, etc.*, That the assent of this state is hereby given to the purchase which was made by the United States of a piece of land containing 27.50 acres situate in Chesterfield County and known as the site of the Bellona Arsenal, according to the boundaries thereof described in the deed of purchase from William Trabue and wife and Mary Reddy, bearing date twenty-first day of September, Anno Domini eighteen hundred and fifteen, which description is as follows: [Here describes tract.] *Provided always*, And the assent aforesaid is granted upon the express condition that this state shall retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far as that all civil and such criminal processes as may issue

under the authority of this state against any person or persons charged with crimes committed without the bounds of said tract may be executed therein in the same way and manner as though this assent had not been granted."

CITY POINT NATIONAL CEMETERY.

This reservation contains an area of 7.49 acres, and is situated on the south bank of the Appomattox River at City Point, in Prince George County. The title is as follows:

1. Decree of condemnation for 7.34 acres and 0.85 acre in roadway, in cause wherein Edward Comer was plaintiff and the United States defendant, in the District Court of the United States for the District of Virginia. Decree rendered January 16, 1868, and filed with the record in said cause in the Clerk's Office of said Court at Richmond.

2. Deed from Edward Comer to the United States, dated January 23, 1868, conveying the lands embraced in Decree of Condemnation marked No. 1, supra. Deed recorded in the Clerk's Office of Prince George County Court October 17, 1868.

3. Deed from Charles Comer to the United States, dated December 21, 1872, conveying a strip of land to build wall around cemetery. Deed recorded in Vol. 29, page 575, of the deed records in the Clerk's Office of Prince George County Court June 13, 1873.

COLD HARBOR NATIONAL CEMETERY.

This reservation contains an area of 1.75 acres, and is situated at Cold Harbor, about 9 miles northeast from Richmond, in Hanover County. The title is as follows:

1. Decree of Condemnation for above property in Cause No. 4, In the matter of the petition of E. S. Talley, Guardian of Indiana H. Slaughter, in the United States District Court, District of Virginia. Decree rendered June 22, 1870, and filed with the record in said cause in the Clerk's Office of said Court.

2. Deed from E. S. Talley, Special Commissioner, etc., to the United States, dated April 21, 1869, conveying land in accordance with above decree. Deed recorded in Book No. 4, page 514, of the Deed records of Hanover County.

3. Deed from Milo Garthwright et al. to the United States, dated October 8, 1871, conveying a strip of land around cemetery for a wall. Deed recorded in Hanover County Court, Clerk's Office, December 30, 1872.

Jurisdiction was ceded to the United States over that strip of land described in a deed from Milo Garthwright et al., marked No. 3, supra, by an act of the State Legislature, approved March 7, 1873. The entire act, as it relates also to another Cemetery, is set out in full as follows:

"AN ACT giving the consent of this State to the purchase by the United States of two tracts of land in the Counties of Henrico and Hanover, to be used for Military Cemeteries, and exempting the same from State and County taxes.

"Whereas it is represented by Theo. J. Eckerson, Captain and Assistant Quartermaster, that he is instructed by the Quartermaster-General of the United States Army to apply to this general assembly for its consent to the purchase by the authorities of the United States of two tracts of land, now occupied as Military Cemeteries, and that according

to his description of said tracts of land, they are laid down and bounded as follows:

"First. A certain lot or parcel of land situate, lying, and being in the County of Henrico and State of Virginia, containing One and forty-four one-thousandth acres, and being the tract conveyed to the United States by Mattie E. Cox and Francis E. Cox, by deed dated May fourteenth, eighteen hundred and seventy-two, and bounded as follows, to wit: On the north by land formerly owned by Alpheus W. Childrey and conveyed by him to the United States for a national cemetery; on the east by the Varina road; on the south by property belonging to the said Mattie E. and Francis E. Cox, and on the west by land belonging to the said Mattie E. and Francis E. Cox and Alpheus W. Childrey.

"Second. A certain lot or parcel of land lying and being in the township of Henry, County of Hanover and State of Virginia, containing three-fourths of an acre, more or less, and being the tract conveyed to the United States by Milo Garthwright and Margaret, his wife, and Gustavus Lange, by deed dated the seventh day of October, eighteen hundred and seventy-one, and being a strip of land five feet wide, immediately adjoining and extending around three sides of the Cold Harbor National Cemetery, to wit, the north, east and west sides of said Cemetery: Therefore,

"1. *Be it enacted by the General Assembly of Virginia*, That the consent of this State is hereby given to the purchase of said lands by the Government of the United States of America, to be occupied and used as a national cemetery, and for this purpose only. But this consent is given subject to the following terms and conditions, to wit:

"First. That this State retains concurrent jurisdiction with the United States over the said tracts of land, so that courts, magistrates, and officers of this State may take such cognizance, execute such process, and discharge such other legal functions within the same as may not be incompatible with the consent hereby given.

"Second. That if the purposes of these grants should cease, or there should be, for five years consecutively, a failure on the part of the United States to use said places, or either of them, for said purpose, then the jurisdiction hereby ceded shall cease and determine as to the place so failing to be used, and the same shall revert to the Commonwealth of Virginia. The said tracts of land, and the buildings that may be erected thereon, for the purpose aforesaid, and any property of the United States for said purposes on said tracts, are hereby exempted from all taxes imposed by this State, or by the constituted authorities of the Counties of Henrico or Hanover, but this exemption shall continue only so long as the United States shall be and remain the owner of said military cemeteries."

CRANEY ISLAND.

This reservation includes the whole Island, except as hereinafter noted. It is situated near Norfolk, in Norfolk County, and bounded by the waters of Elizabeth River, Craney Island Creek, Thoroughfare Creek, and James River. The title is as follows:

Deed from George D. Wise et al. to the United States, dated May 5, 1817, conveying the entire Island. Deed recorded August 11, 1817, in the Norfolk County Court Clerk's Office.

By Order of the Secretary of War, dated October 12, 1874, the Northwestern third was transferred to the Navy Department for erection of a magazine, with privilege to construct a landing at the southeastern end of the Island, and right of way over the Island to the magazine at the northwestern end.

CULPEPER NATIONAL CEMETERY.

This reservation contains an area of 6 acres, and is situated at Culpeper, in Culpeper County. The title is as follows:

1. Deed from John M. Leavell and wife and William T. Leavell, Trustees, etc., to the United States, dated October 3, 1890, conveying 2,830 square feet of land for right of way and approach to Cemetery. Deed recorded in Book 24, page 129, of the deed records of Culpeper County, in the Clerk's Office of the County Court.

2. Deed from Carter A. Saunders and wife to the United States, dated November 11, 1890, conveying 16,260 square feet of land for roadway and approach to cemetery. Deed recorded in Book 24, page 130, of the deed records of Culpeper County, in the Clerk's Office of the County Court.

3. Deed from the Board of Trustees of the Catalpa School District to the United States, dated November 20, 1890, conveying 5,660 square feet of land for right of way and approach to cemetery. Deed recorded in Book 24, page 128, of the deed records of Culpeper County, in the Clerk's Office of the County Court.

4. Decree of Condemnation for 6 acres of land in the matter of Edward B. Hill *v.* the United States, in the United States District Court for the District of Virginia. Decree rendered April 27, 1867, and filed with the record in said cause in the Clerk's Office of said Court.

DANVILLE NATIONAL CEMETERY.

This reservation contains an area of 3.50 acres, and is situated at Danville, in Pittsylvania County. The title is as follows:

1. Deed from the Town of Danville to the United States, dated July 19, 1873, conveying about 2.7 acres. Deed recorded July 19, 1873, in the record of deeds at Danville. The foregoing deed was authorized by the Common Council of Danville, May 6, 1873, as per minutes of proceedings of said Council of said date in the Clerk's Office.

2. Deed from Thomas D. Stokes, Executor, etc., to the United States, dated July 19, 1873, conveying four-fifths of an acre of land. Deed recorded July 19, 1873, in the record of deeds at Danville.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved April 22, 1874, which act is as follows:

"AN ACT giving the consent of this State to the purchase by the United States of a tract of land in the County of Henrico, and of two parcels of land in the town of Danville, to be used for Military Cemeteries.

"Whereas it is represented by Theo. J. Eckerson, Captain and Assistant Quartermaster, that he is instructed by the Quartermaster-General of the United States to apply to this general assembly to relinquish its jurisdiction over the parcels of land constituting the national cemeteries at Glendale, in the County of Henrico, and at the town of Danville, the United States having purchased the same; and according to his description of said tracts of land, they are laid out and bounded as follows:

"First. That certain piece or parcel of land deeded to the United States September fifteenth, eighteen hundred and seventy-three, by R. Heber Nelson, Sally B. Nelson, Ethelinde Nelson, and Luciel Nelson, for national cemeteries, situated in the township of Varina, in the County of Henrico, bounded and described as beginning at a point three feet south of the westerly prolongation of the present southerly boundary line of the Glendale National Cemetery, and three feet west of the

southerly prolongation of the present westerly boundary line of said cemetery, running thence south eighty degrees east, and on a line parallel with the present southerly line of said cemetery and three feet therefrom, three hundred and six feet and three inches; thence north eleven degrees east, parallel with the present easterly boundary line of said cemetery and three feet distant therefrom, two hundred and eighty-four feet and six inches; thence north seventy-nine degrees west, parallel with the present northerly boundary line of said cemetery and three feet therefrom, three hundred and four feet and one inch; thence southerly three feet, and parallel with the northerly prolongation of the present westerly boundary line of said cemetery and three feet therefrom; thence easterly three feet to the present northwesterly corner of said cemetery, and continuing easterly therefrom on the present northerly boundary line of said cemetery to the present northeasterly corner thereof; thence southerly on the present easterly boundary line of said cemetery to the southeasterly corner thereof; thence westerly and on the present southerly boundary line of said cemetery to a point three feet beyond and west of the present westerly boundary line thereof; thence southerly three feet to the place of beginning.

"Second. All that certain lot or parcel of land situated in the town of Danville, and deeded to the United States July nineteenth, eighteen hundred and seventy-three, by Thomas D. Stokes, Executor of N. T. Green, deceased, for a national cemetery, bounded and described as beginning at a stone at corner of Lee street and the road leading to the freedman's cemetery; thence south, twelve degrees thirty minutes east, two hundred and seventy-five feet to a rock; thence south seventy-six degrees west, seventy-three feet to a stone; thence north, thirty-five degrees west, two hundred and eighty-five feet to a stone on Lee street; thence north, seventy-six degrees east, along the line of Lee street, one hundred and eighty feet to the beginning.

"Third. All that certain lot or parcel of land situated in said town of Danville, and deeded to the United States July nineteenth, eighteen hundred and seventy-three, for a national cemetery, by the town of Danville, acting by George C. Ayres, president of the council of said town, bounded and described as beginning on Lee street at the northeast corner of Greenhill cemetery; thence north seventy-six degrees east, along said street four hundred and twenty-nine feet to a stone; thence south, thirty-five degrees east, two hundred and eighty-five feet to a stone; thence south, seventy-six degrees west, four hundred and twenty-nine feet to a stone in boundary line of Greenhill cemetery aforesaid; thence north, thirty-five degrees west, two hundred and eighty-five feet to the beginning: therefore,

"1. *Be it enacted by the General Assembly*, That the consent of this State is hereby given to the purchase of said lands by the Government of the United States of America, each to be occupied and used as a national military cemetery, and for this purpose only. But this consent is given subject to the following terms and conditions, to wit:

"First. That this State retains concurrent jurisdiction with the United States over the said tracts of land, so that courts, magistrates and officers of this State may take such cognizance, execute such process, and discharge such other legal functions within the same as may not be incompatible with the consent hereby given.

"Second. That if the purposes of these grants should cease, or there should be for five years consecutively a failure on the part of the United States to use said places, or either of them, for said purposes, then the

jurisdiction hereby ceded shall cease and determine as to the place so failing to be used, and the same shall revert to the Commonwealth of Virginia.

"2. The act shall take effect from its passage."

FERRY POINT.

This reservation contains an area of 136 square poles and 50 links of land and is situated on a point called Ferry Point, on the Elizabeth River, in Norfolk County. The title is as follows:

Deed from William Thompson and wife to Thomas Jefferson, President of the United States, his successors in office, etc., dated September 1, 1808, conveying the above property. Deed recorded in Record Book of Deeds, page 173, October 17, 1808, in Norfolk, County of Norfolk.

FREDERICKSBURG NATIONAL CEMETERY.

This reservation contains an area of 12.005 acres and is situated at Fredericksburg, in Spottsylvania County. The title is as follows:

Deed from Douglas H. Gordon and wife to the United States, dated November 5, 1868, conveying the above tract. Deed recorded in the Clerk's Office of the Corporation Court of Fredericksburg April 21, 1869.

No cession of jurisdiction over cemetery.

In anticipation of the United States government acquiring a right of way from the City of Fredericksburg, the State Legislature gives consent and cedes jurisdiction by the following act, approved March 3, 1884, which provides as follows:

"Whereas it is represented to the general assembly that a bill is now pending in the Congress of the United States, authorizing the latter to open, occupy, and improve and maintain a suitable and convenient road from the City of Fredericksburg to the National Cemetery near said City:

"1. *Be it enacted, etc.*, That the consent of this State be and is hereby given to the purchase by the United States of such real estate in said City and County as may be necessary and convenient for said purposes, and to the occupation, improvement and use by the United States of any existing streets in said town, or public roads in said County, as may be needful and suitable for said purpose; and when the said real estate shall have been purchased and the said streets or roads shall have been so occupied, used and improved for said purpose, jurisdiction is hereby ceded to the Government of the United States, so that Congress and the lawful authorities of the federal government shall have all lawful power and control over the same: *provided, however*, that the consent herein given shall not extend to the purchase or acquisition of more than ten acres of land for said purpose: *and provided further*, that the State retain concurrent jurisdiction over said real estate and said improved road to said cemetery in all matters relating to the violation of the laws of this State, and of the ordinances of said city, to the execution and service of all processes issued by or from the courts of the State and its magistrates or other officers, in pursuance of law, and in all other matters not incompatible with the consent herein given, and the rightful authority of the United States thereby acquired and to be acquired under this act.

"2. The said real estate and said improved road are hereby exempted from all taxes imposed or to be imposed by this State and constituted authorities of said city and county, so long as the same shall be held, maintained and used by the federal government for the purposes hereinbefore mentioned, and no longer."

GLENDALE NATIONAL CEMETERY.

This reservation contains an area of 2.12 acres and is situated at Glendale, in Henrico County. The title is as follows:

1. Deed from Lucy C. Nelson et al. to the United States, dated June 16, 1869, conveying 1.8834 acres of land. Deed recorded in Deed Book 86, page 236, of the deed records in the Clerk's Office of the Henrico County Court, December 15, 1869.

2. Deed from R. Heber Nelson et al. to the United States, dated September 15, 1873, conveying a tract by metes and bounds. Deed recorded in Deed Book 92, page 360, of the deed records in the Clerk's Office of the Henrico County Court, September 16, 1873.

Jurisdiction was ceded to the United States by an act of the State Legislature approved April 22, 1874, for which see act set out under title "Danville National Cemetery."

HAMPTON NATIONAL CEMETERY.

This reservation contains an area of 19.6110 acres and is situated at Hampton, in Elizabeth City County. The title is as follows:

1. Deed from George Whipple and wife to the United States, dated October 20, 1868, conveying 4.7490 acres. Deed recorded in the Clerk's Office of the County Court of Elizabeth City County August 11, 1869.

2. Decree of Condemnation for 6.8620 acres of land in a certain cause wherein the United States was plaintiff and William E. Wood defendant, in the District Court of the United States for the District of Virginia. Decree rendered March 23, 1870, and filed with the record in said cause in the Clerk's Office of said District Court.

3. Deed from James A. Watkins and wife to the United States, dated July 25, 1891, conveying 2.93 acres. Deed recorded in the Clerk's Office of the County Court of Elizabeth City County March 23, 1892.

4. Deed from The Trustees of the Hampton Normal and Agricultural Institute to the United States, dated July 25, 1891, conveying 5.07 acres. Deed recorded in the Clerk's Office of the County Court of Elizabeth City County March 23, 1892. The United States already owned the right of way over the road to the cemetery, the Hampton, etc., Institute holding subject to the right of way of the United States, therefore action by the board of supervisors of the County was unnecessary, although provided for by an Act of the State Legislature approved February 21, 1894. This act, however, cedes jurisdiction over said roadway as follows:

* * * * * * *

"3. The jurisdiction over the said roadway is hereby ceded to the United States: *Provided, however*, That the State of Virginia retains concurrent jurisdiction with the United States over the same, so that the courts, magistrates, and officers of this Commonwealth may take such cognizance, execute such process, and discharge such other legal functions within the same as may not be incompatible with the consent hereby given.

* * * * * * *

Jurisdiction over the lands embraced within the limits of the cemetery was ceded to the United States by an act of the State Legislature approved March 31, 1875, which act provides as follows:

"Whereas it is represented to the general assembly, by officers of the United States Army, having authority in such matters, that they are instructed to apply to this general assembly for the consent to the purchase by the United States of two certain parcels of land, at or near Hampton, Virginia, now used as a military cemetery, the boundaries of which are stated to be as follows:

"First. A parcel of land purchased by the United States from George Whipple, and bounded as follows: [Here describes land set out in deed from George Whipple, marked No. 1, supra.]

"Second. The parcel of land purchased from W. E. Woods, and bounded as follows: [Here describes land condemned as property of William E. Woods, as set out in condemnation proceedings, marked No. 2, supra.]

"And whereas it is further represented by said officers, that they are further instructed to apply for the consent of this general assembly to the purchase by the United States of a certain parcel of land lying within the corporate limits of the town of Winchester, in this State, now occupied as a military cemetery by the United States, being the land purchased by the United States from Jacob Baker, and bounded as follows: [Here describes land by metes and bounds] and containing nearly five acres.

"1. *Be it enacted, etc.*, That the consent of this State is hereby given to the purchase of said lands from the owners thereof by the government of the United States of America, or its authorized agents and officers, to be occupied and used as national military cemeteries, and for this purpose only. But this consent is given subject to the following terms and conditions, to wit:

"First. That this State retains concurrent jurisdiction with the United States over the said places, so that courts, magistrates and officers of this State may take such cognizance, execute such process, and discharge such other legal functions within the same as may not be incompatible with the consent hereby given.

"Second. That if the purposes of this grant should cease, or there should be, for five years consecutively, a failure on the part of the United States to use said places, or either of them, for said purpose, then the jurisdiction hereby ceded shall cease and determine as to such place. Whenever such failure of user shall occur, then the same shall revert to the Commonwealth of Virginia. The said tracts of land and the buildings that may be erected thereon for the purpose aforesaid, and any property of the United States thereon for said purpose, are hereby exempted from all taxes imposed by this State or by the constituted authorities of the counties or towns wherein they lie; but this exemption shall continue only so long as the United States shall be and remain the owners of said tracts of land.

"2. This act shall be in force from its passage."

FORT HARRISON NATIONAL CEMETERY.

This reservation contains an area of 1.55 acres, and is situated about 8 miles from the City of Richmond, in Henrico County. The title is as follows:

1. Deed from Alpheus W. Childrey and wife to the United States, dated March 26, 1869, conveying 0.462 acres of land. Deed recorded

in Book 86, page 71, of the deed records in the Clerk's Office of Henrico County Court, September 22, 1869.

2. Deed from Mattie E. Cox and husband to the United States, dated May 14, 1872, conveying 1.044 acres of land. Deed recorded in Book 91, page 42, of the deed records in the Clerk's Office of Henrico County Court, December 28, 1872.

3. Deed from Alpheus W. Childrey to the United States, dated June 28, 1873, conveying a strip of land therein described. Deed recorded in Book 92, page 635, of the deed records in the Clerk's Office of Henrico County Court, December 12, 1873.

Jurisdiction was ceded to the United States by an act of the State Legislature approved March 7, 1873; for which act, see under title "Cold Harbor National Cemetery."

FORT MONROE.

This reservation contains an area of about 282 acres, including the 15 acres known as the Rip Raps, and is situated at Old Point Comfort, in Elizabeth City County, commanding the entrance to Hampton Roads. The title is as follows:

1. Deed from the Governor of Virginia to the United States, dated —, 1838, ceding title to and jurisdiction over 250 acres of land at Old Point Comfort, and 15 acres of shoal at the Rip Raps. Deed recorded in the County Clerk's Office December 12, 1838.

2. Deed from The Hampton River and Mill Creek Toll Bridge Company to the United States, dated November 15, 1838, conveying all right, title, and interest to a certain toll bridge, and abutments thereof, across Mill Creek, together with right of way between said toll bridge and the bridge across Hampton River. Deed recorded in Elizabeth City County Clerk's Office November 15, 1838.

3. Deed from Jas. A. J. Bradford to Lieut. Col. R. E. DeRussy, for the United States, dated February 12, 1841, conveying 15 acres of land. Deed recorded in the Clerk's Office of the County Court of Elizabeth City County, April 8, 1841.

4. Deed from John Tabb to Col. R. E. DeRussy, for the United States, dated 1844 (?), conveying 2 acres of a tract called "The Glebe." Deed recorded in the deed records in the Clerk's Office of the Elizabeth City County Court.

Jurisdiction over the tracts included in deed marked No. 1, supra, was authorized to be ceded to the United States by an act of the State Legislature passed March 1, 1821, as follows:

AN ACT ceding to the United States the lands on Old Point Comfort, and the shoal called the Rip Raps.

"*Preamble:* Whereas it is shown to the present General Assembly that the Government of the United States is solicitous that certain lands at Old Point Comfort, and at the shoal called the Rip Raps, should be, with the right of property and entire jurisdiction thereon, vested in the said United States for the purpose of fortification, and other objects of National defence.

"1. *Be it enacted, etc.*, That it shall be lawful and proper for the Governor of this Commonwealth, by conveyance or deeds in writing under his hand and the seal of the State, to transfer, assign and make over unto the said United States the right of property and title, as well as all the jurisdiction which this Commonwealth possesses over the land and shoal at Old Point Comfort and the Rip Raps; *Provided*, The ces-

sion at Old Point Comfort shall not exceed 250 acres, and the cession of the shoal at the Rip Raps shall not exceed fifteen acres, *And provided also*, That the said cession shall not be construed or taken, so as to prevent the officers of this State from executing any process, or discharging any other legal functions, within the jurisdiction or territory herein directed to be ceded, nor to prevent, abolish or restrain the right or privilege of fishery hitherto enjoyed and used by the citizens of this Commonwealth within the limits aforesaid; *And provided further*, That nothing in the deed of conveyance, required by the first section of this act, shall authorize the discontinuance of the present road to the Fort, or in any manner prevent the pilots from erecting such marks and beacons as may be deemed necessary.

"2. *And be it further enacted*, That should the said United States at any time abandon the said lands and shoal, or appropriate them to any other purposes than those indicated in the preamble to this act, that, then and in that case, the same shall revert to, and revest in this Commonwealth."

Jurisdiction over the toll bridge described in the deed marked No. 2 (supra) was authorized to be ceded to the United States by an act of the State Legislature approved January 14, 1871, which provides as follows:

"1. *Be it enacted, etc.*, That it shall and may be lawful for the governor of this Commonwealth, and he is hereby fully authorized so to do, for and on behalf of this Commonwealth, by a proper deed and instrument of writing, under his hand and the seal of the Commonwealth, to convey, transfer, assign and make over, to the United States, all the jurisdiction which this Commonwealth has or possesses over a certain toll-bridge, and the abutment thereof, across Mill Creek in the County of Elizabeth City, erected in pursuance of an Act of the General Assembly of Virginia, passed January twenty-seventh, Anno Domini, Eighteen hundred and twenty five, entitled an Act empowering the County of Elizabeth City to erect two toll bridges, and for other purposes, with all the appurtenances to the said toll bridge belonging, but excluding the said jurisdiction over the road leading from the said abutment, in the said County of Elizabeth City, on the north side of Mill Creek, to the abutment of the toll bridge across Hampton River, which said toll bridge across Mill Creek, and its abutment, in the County of Elizabeth City, was conveyed to the said United States by the Hampton River and Mill Creek Toll Bridge Company, by its deed dated the fifteenth day of November, Eighteen hundred and thirty-eight, and recorded in the Clerk's Office of the County Court of said County on the same day: *Provided*, That all the conditions imposed by the charter of incorporation of the Hampton River and Mill Creek Toll Bridge Company, passed on the twenty-seventh day of January, Eighteen hundred and twenty-five, shall be observed and kept by the United States; and that the deed hereby authorized shall provide that the grant of jurisdiction hereby authorized shall be null and void upon the failure of the United States to comply with and keep the said condition.

"2. If at any time hereafter the said bridge shall be suffered to fall into decay, or the said United States shall cease to use the same for military purposes in connection with Fortress Monroe, then, and in either event, the jurisdiction over such territory hereby declared to be vested in the United States, shall revert to this Commonwealth and be subject to the jurisdiction of the same, in like manner as if this act had never been passed: *provided*, that nothing herein contained shall be so

construed as to authorize the said United States to exact toll or compensation for crossing or passing over said bridge, or to prevent the officers of this Commonwealth from executing any process whatever within the jurisdiction hereby directed to be ceded to the United States." (See Appendix, p. 284.)

FORT MYER.

This reservation contains an area of 186 acres, being a portion of the Arlington Estate. (See "Arlington" for situation, title, and jurisdiction.)

FORT NELSON.

This reservation contains an area of about 79 acres, and is situated on the Elizabeth River near Mosquito Point, in Norfolk County. The title is as follows:

1. Deed from Thomas Newton and wife to John Adams, President of the United States, and to his successors in office, dated September 3, 1799, conveying 18 acres of land on Mosquito Point, etc. Deed recorded in the Clerk's Office of the Norfolk County Court April 21, 1800, by order of the Court.

2. Deed from Thomas Newton and wife to the United States, dated November 29, 1827, conveying 61 acres of land adjoining above tract. Deed recorded in the Clerk's Office of the Norfolk County Court June 17, 1840, by order of the Court.

Jurisdiction was authorized to be ceded to the United States by an act of the State Legislature passed February 19, 1842, which act is as follows:

"Whereas Thomas Newton and wife by their deed of the third of September Seventeen hundred and ninety-nine and of record in the Court of the County of Norfolk, conveyed to John Adams, President of the United States, Eighteen acres of land, mo e or less, situate in said County, upon which a fortification was erected by the Government of the United States, called "Fort Nelson" which fortification has since been removed, and a Naval Hospital built by the United States Government thereon and other lands adjoining thereto, since purchased by the United States, which last purchase has been upon the part of the State of Virginia ceded to the United States, but no cession ever having been made of the lands upon which the said fort was erected:

"1. *Be it enacted, etc.*, That it shall be lawful and proper for the Governor, or acting Governor of this Commonwealth, by conveyance, or deeds in writing under his hand and the seal of the State, to transfer, assign and make over to the United States, the right of property and title as well as all the jurisdiction which the Commonwealth possesses over the lands upon which Fort Nelson was erected as aforesaid containing by estimation Eighteen acres; subject nevertheless to all the restrictions, limitations and provisions as are set forth and contained in the act passed on the first day of March Eighteen hundred and twenty-one entitled 'An act ceding to the United States the lands on Old Point Comfort, and the shoals called the Rip Raps.'"

It seems that by an act of the State Legislature approved February 27, 1833, jurisdiction over the lands described in the deed marked No. 2 (supra) was ceded to the United States for "Naval-Hospital" pur-

poses. The land described in deed marked No. 1 (supra) seems to have been turned over to the proper authorities for a naval hospital conditionally.

FORT NORFOLK.

This reservation contains an area of $4\frac{15}{18}\frac{07}{40}$ acres, and is situated on the Elizabeth River near Norfolk, in Norfolk County. The title is as follows:

Deed from Edward Pool and wife to the United States, dated May 21, 1795, conveying the above tract.

(The above reservation transferred to the Navy Department conditionally by order of the Secretary of War, dated July 28, 1848.)

Consent to the purchase by the United States was given by an Act of the State Legislature passed November 28, 1794, as follows:

"1. *Be it enacted, etc.*, That it shall and may be lawful for the President of the United States, or any person by him appointed for that purpose, to purchase within the limits of this State a quantity of land, not exceeding six hundred and forty acres, for the use of the United States for the purpose of erecting a magazine and arsenal thereon."

POPLAR GROVE NATIONAL CEMETERY.

This reservation contains an area of 8.65 acres, and is situated about $4\frac{1}{2}$ miles from Petersburg in Dinwiddie County. The title is as follows:

1. Deed from Bradley T. Johnson, Special Commissioner, to the United States, dated April 3, 1868, conveying 8.13 acres of land. Deed recorded in the Clerk's Office of the Dinwiddie County Court December 15, 1868, in Deed Book No. 12, page 159.

Decree of Condemnation for above land with appraisement, and appointment of Bradley T. Johnson as Special Commissioner to convey, etc., in the cause of George Vickers, Guardian, etc., et al., *v.* The United States, rendered April 3, 1868, in the District Court of the United States for the District of Virginia. Decree filed with the record in the Clerk's Office of said District Court.

2. Deed from J. Wesley Friend, Special Commissioner, to the United States, dated April 30, 1877, conveying 0.0919 of an acre of land. Deed recorded in the Clerk's Office of the Dinwiddie County Court October 19, 1877, in Deed Book No. 14, page 428.

Decree of Condemnation of above land with appraisement, and appointment of J. Wesley Friend as Special Commissioner to convey, etc., in the cause of J. Wesley Friend, Guardian, etc., *v.* Fannie E. Farley et al., in the Circuit Court of Dinwiddie County, April term, 1877. Decree rendered at said Term and filed with the record in the Clerk's Office of said Court.

3. Deed from J. Wesley Friend, Special Commissioner, to the United States, dated April 30, 1877, conveying 0.5019 of an acre of land and right of way. Deed recorded in the Clerk's Office of the Dinwiddie County Court October 19, 1877, in Deed Book No. 14, page 429.

Decree of Condemnation of the above land, with appraisement, and appointment of J. Wesley Friend as Special Commissioner to convey, etc., in the cause of J. Wesley Friend, Guardian, etc., et al. *v.* Rebecca D. Flower et al., in the Circuit Court of Dinwiddie County, October Term, 1876. Decree rendered at said Term, and filed with the record in the Clerk's Office of said Court.

HOODS.

(Fort at.)

This reservation contains an area of 10 acres, and is situated on the south bank of the James River between Woods Creek and Flower de Hundred Creek, in Prince George County. The title is as follows:

1. Deed from Sarah Peter et al. to the United States, dated April 25, 1808, conveying 10 acres. Deed recorded in the Clerk's Office of the District Court at Petersburg, April 26, 1808, by order of the Court. (See Book of Deeds, Vol. 1, p. 136.)

2. Deed from James Henderson et al. to the United States, dated October 16, 1812, conveying a spot 30 feet square, heretofore reserved as a family burial ground. Deed recorded in the Clerk's Office of the Quarter Sessions Court. (See Book of Deeds, Vol. 1, p. 286.)

RICHMOND NATIONAL CEMETERY.

This reservation contains an area of 8 acres, also right of way, and is situated on the Williamsburg Turnpike road near Richmond, in Henrico County. The title is as follows:

1. Deed from William Slater and wife to the United States, dated July 29, 1867, conveying 3 acres of land. Deed recorded in the Clerk's Office of the Henrico County Court, January 20, 1868, in Book No. 84, page 21.

Decree of Condemnation, appraisement, and order of conveyance of above land in case of said William Slater *v.* The United States, in the District Court of the United States for the District of Virginia. Decree rendered June 7, 1867, and filed with the record of the cause in the Clerk's Office of said Court.

2. Deed from William L. Williams, Trustee, etc., et al., to the United States, dated July 10, 1868, conveying 5 acres of land. Deed recorded in the Clerk's Office of the Henrico County Court, April 8, 1869, in Book No. 85, page 326.

3. Deed from the Board of Supervisors of the County of Henrico to the United States, dated May 21, 1887, conveying a strip of land 6,040 feet in length by 100 feet in width for a road and right of way, heretofore vested in said Board by an Order of the County Court of Henrico County, entered May 17, 1887, in condemnation proceedings instituted in said Court. Deed made pursuant to an Act of the General Assembly of Virginia entitled "An Act to authorize the Board of Supervisors of the County of Henrico, Virginia, to convey to the United States the right of way for a certain road," approved May 6, 1887, and also in pursuance of a resolution of said Board entered May 7, 1887. Deed recorded in the Clerk's Office of the Henrico County Court, June 17, 1887. The above-described road acquired under and by virtue of an Act of Congress, approved February 28, 1887.

SEVEN PINES NATIONAL CEMETERY.

This reservation contains an area of 1.55 acres, and is situated at Seven Pines, about 8 miles from Richmond, in Henrico County. The title is as follows:

1. Deed from Richard Hilliard to the United States, dated April 24, 1867, conveying 1.3 acres of land. Deed recorded in the Clerk's Office of the Henrico County Court September 21, 1868, in Book 84, page 501.

2. Deed from Richard Hilliard to the United States, dated May 1, 1873, conveying 9,200 square feet of land. Deed recorded in the Clerk's Office of the Henrico County Court May 1, 1873, in Book 91, page 446.

3. Deed from James Kelly to the United States, dated September 8, 1875, conveying 1,380 square feet of land. Deed recorded in the Clerk's Office of the Henrico County Court September 10, 1875, in Book 96, page 239.

SHERIDANS POINT.

This reservation contains an area of 90 acres 2 Roods and 2 Perches of land, including about 3 acres and 1 perch lying between ordinary high tide and ordinary low tide, and is situated on the Potomac River, in Mount Vernon District, in Fairfax County. The title is as follows:

Decree of Condemnation for above land in a cause entitled "In the matter of the acquisition by the United States of America, of certain lands in Fairfax County, Virginia, for the site, location, construction, and prosecution of works for fortifications and coast defenses," in the Circuit Court of the United States for the Eastern District of Virginia. Decree rendered June 10, 1893, amended and made final July 6, 1893. Filed with the record in said cause in the Clerk's Office of said Court and recorded in the minutes thereof.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved February 29, 1892, which act is as follows:

AN ACT to authorize the United States government to acquire title to and jurisdiction of a tract of land in the County of Fairfax, at Sheridan's Point, on the Potomac river, for a site for fortifications and coast defenses.

"Whereas it has been represented to the general assembly of Virginia that the United States desires to acquire title to a tract of land at Sheridan's Point on the Potomac river, in the County of Fairfax, embracing three hundred acres of land, more or less, for the purpose of locating, constructing, and prosecuting works for fortifications and coast defenses; therefore,

"1. *Be it enacted by the general assembly of Virginia*, That the consent of this Commonwealth be, and is hereby given to the acquisition of said title, and when the same shall have been acquired jurisdiction is hereby ceded over the said tract of land to the government of the United States, so that Congress and the authorities of the federal government shall have all lawful power and control over the same, as is specified in the seventeenth clause of eighth section of the first article of the Constitution of the United States.

"2. This State retains jurisdiction over the said tract of land in all matters relating to the violation of the laws of the State, to the execution and service of all processes issued by or from the Court, magistrates or other officers of the State in pursuance of law, and in all other matters not incompatible with the consent herein given and the rightful authority of the United States to be acquired under this act.

"3. The said land and privileges hereby ceded, and the fortifications, buildings and structures which may be erected thereon by the United States Government are hereby exempted from all taxation so long as the same shall be held and used by the United States for the purposes hereinbefore mentioned, and no longer: *provided* that if within the area herein mentioned any business or calling for which a license tax is required by the State of Virginia is followed or pursued, the same shall be liable to such license taxation: *and provided further*, that if any buildings be erected within such area for purposes disconnected

from and not necessary to the purposes of this act, such buildings and all personal property contained or used in or in connection with such buildings shall be subject to taxation by the State of Virginia and the County of Fairfax in like manner, and at the same rate as other property in said county may be taxed.

"4. Should the property herein granted be used for any other purposes than those specified herein by the United States Government, or under its authority, then the same shall be subject to taxation as other property in this State.

"5. This act shall be in force from its passage."

STAUNTON NATIONAL CEMETERY.

This reservation contains an area of 1.15 acres, and is situated at Staunton in Augusta County. The title is as follows:

Deed from Nickolas K. Trout and wife et al. to the United States, dated September 30, 1868, conveying 1.1463 acres of land. Deed recorded in the Clerk's Office of the County Court of Augusta County, May 22, 1869, in Book No. 84, pages 459 and 460.

WILLOUGHBY SPIT.

(Land at.)

This reservation contains an area of about 47 acres of land, and two rights of way, each 50 feet wide and containing about 37,500 square feet, and is situated on Willoughby Spit on Willoughby Bay, in Norfolk County. The title is as follows:

Decree of Condemnation, etc., of the above lands and rights of way in a certain cause, entitled "In the matter of the acquisition by the United States of America of certain land in the County of Norfolk, State of Virginia, for the site, location, construction and prosecution of works for fortifications and coast defences," in the Circuit Court of the United States for the Eastern District of Virginia. Decree rendered October 16, 1891; made final November 16, 1891, and filed with the record of said cause in the Clerk's Office of said Circuit Court. Decree also recorded in the Clerk's Office of the Norfolk County Court, November 23, 1891. (See Deed Book No. 168, pp. 530 to 534, inclusive.)

Jurisdiction was ceded to the United States by an act of the State Legislature, approved February 29, 1892, which act is as follows:

"AN ACT to authorize the United States government to acquire title and jurisdiction to a tract of land in the County of Norfolk, at Willoughby Spit, for site for fortifications and coast defences.

"Whereas it has been represented to the general assembly of Virginia that the United States have acquired title to a tract of land at Willoughby Spit, in the County of Norfolk, embracing about fifty acres of land, for the purpose of locating, constructing and prosecuting works for fortifications and coast defences; Therefore,

"1. *Be it enacted by the general assembly of Virginia*, That the consent of this Commonwealth be, and is hereby, given to the acquisition of said title, and jurisdiction is hereby ceded over the said tract of land to the government of the United States, so that Congress and the authorities of the federal government shall have all lawful power and control over the same, as is specified in the seventeenth clause of the eighth section of the first article of the Constitution of the United States.

"2. This state retains jurisdiction over the said tract of land in all

matters relating to the violation of the laws of the state, to the execution and service of all processes issued by or from the courts, magistrates or other officers of the State in pursuance of law, and in all other matters not incompatible with the consent herein given and the rightful authority of the United States thereby acquired or to be acquired under this act.

"3. The said land and privileges hereby ceded, and the fortifications, buildings and structures which may be erected thereon by the United States government, are hereby exempted from all taxation so long as the same shall be held and used by the United States for the purpose hereinbefore mentioned, and no longer.

"4. Should the property herein granted be used for any other purposes than those specified herein by the United States government, or under its authority, then the same shall be subject to taxation as other property in this State.

"5. This act shall be in force from its passage."

WINCHESTER NATIONAL CEMETERY.

This reservation has an area of 4.89 acres, and is situated at Winchester, in Frederick County. The title is as follows:

Deed from Jacob Baker to the United States, dated December 1, 1870, conveying nearly 5 acres of land. Deed recorded in the Office of the Clerk of the corporation of Winchester, May 15, 1872, in Book 13, pages 478 to 481.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved March 31, 1875, for which act see under title "Hampton National Cemetery."

FORT WOOL.

This fort is situated at the Rip Raps. (See title "Fort Monroe.")

YORKTOWN (MONUMENT AT).

This reservation contains an area of about 10.34 acres, and is situated at Yorktown, in York County. The title is as follows:

Deed from William W. Old, Special Commissioner, to the United States, dated October 19, 1881, conveying the above land. Deed recorded in the Clerk's Office of the York County Court, June 15, 1882, in Deed Book 20, page 9.

The foregoing Deed made in accordance with a Decree, entered on the 29th day of June, 1880, by the Chancery Court of the City of Richmond, in the cause wherein The Dismal Swamp Land Company and others were plaintiffs and Robert Anderson's personal representatives and others defendants. Sale ordered and Wm. W. Old appointed Special Commissioner to convey said land. Decree recorded in the Office of the Clerk of said Court at Richmond, and a copy in the Office of the Clerk of the York County Court at Yorktown.

Jurisdiction was ceded to the United States by an act of the State Legislature, approved April 21, 1882, which act provides as follows:

"1. *Be it enacted, etc.*, That the consent of the State be, and the same is hereby given, to the purchase by the government of the United States, or under the authority of the same, of a certain tract of land at the town of York, in the said State of Virginia, for the purpose of

the erection thereon by the United States of a monument to commemorate the surrender of Lord Cornwallis and his forces to the allied army, commanded by General George Washington, in October, seventeen hundred and eighty-one; the metes and bounds of the said tract being as follows, namely: [Here describes lands] containing ten acres and thirty-four hundredths of an acre, more or less.

"2. The aforesaid consent is given, subject to the following terms and conditions, namely: All deeds, conveyances of title, papers for the same, shall be recorded as in other cases upon the land record of the County in which the aforesaid tract shall lie, and in like manner shall be recorded a sufficient description of the aforesaid tract by its proper metes and bounds, this consent being in accordance with the seventeenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided. The State of Virginia retains concurrent jurisdiction with the United States over the aforesaid tract, so that courts, magistrates, and officers of the State may take such cognizance, execute such process, and discharge such other legal functions within the aforesaid tract as may not be incompatible with the consent hereby given.

"3. The tract as above described, together with the tenements and appurtenances for the purposes before mentioned, shall be held exempt from taxation.

"4. This act shall be in force from its passage."

YORKTOWN NATIONAL CEMETERY.

This reservation contains an area of 3 acres, and is situated at Yorktown, in York County. The title is as follows:

1. Deed from Frederick W. Power and wife to the United States, dated March 10, 1868, conveying 2.721 acres of land. Deed recorded in the York County Court Clerk's Office October 19, 1868, in Deed Book 17, page 180.

Decree of Condemnation for same land rendered in the District Court of the United States for the Eastern District of Virginia, and recorded in the Clerk's Office with said cause at Richmond, and also as above in the Clerk's Office of the York County Court.

2. Deed from Lot Wolf and wife et al. to the United States, dated February 8, 1875, conveying 8 feet of land on the North, East, and South sides of the Cemetery. Deed recorded in the York County Court Clerk's Office April 4, 1875, in Book 18, page —.

Decree of Condemnation of same land rendered and made final May 4, 1875, in the District Court of the United States for the Eastern District of Virginia, and recorded in the Clerk's Office of said Court at Richmond, and also as above in the Clerk's Office of the York County Court.

WASHINGTON.

ADMIRALTY HEAD.

(Land at.)

This reservation contains an area of 123 acres, and is situated on Admiralty Head along the waters of Admiralty Inlet, in Island County, being the southern portion of Lot 1, and all of Lot 2, Section 21, the southern portion of Lot 1, all of Lots 2 and 3, and the western portion

of Lot 4, Section 22, excepting that portion of Lot 3 and the western portion of Lot 4 heretofore conveyed to the United States and known as the Light-House Reserve—all in Township 31, North of Range 1 East, W. M. The title is as follows:

Deed from John C. Kellogg to the United States, dated April 20, 1897, conveying above property. Deed recorded in Vol. 20, page 119, of the deed records of Island County. The purchase of the above land was authorized by the Secretary of War October 26, 1896.

Jurisdiction was ceded to the United States by Acts of the State Legislature approved January 23, 1890, and February 24, 1891, which Acts provide as follows:

"SECTION 1. That the consent of the Legislature of the State of Washington be and the same is hereby given to the purchase, by the Government of the United States or under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate, within the boundaries of the State, for the purpose of erecting and maintaining thereon armories, arsenals, fortifications, magazines, navy-yards, dock-yards, custom-houses, light-houses and other needful public buildings or establishments whatsoever; the consent herein and hereby given being in accordance with the provisions of the seventeenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided. And like consent of the legislature of the State of Washington is hereby given in the cases of all such tracts or parcels of land as have been heretofore purchased by the government of the United States, or which have been or may hereafter be reserved by the said government, out of any public land belonging to the United States, for any of the purposes before mentioned: *Provided*, That a sufficient description by metes and bounds and an accurate plat or map of each such tract or parcel of land be filed in the proper Office of record in the county in which the same is situated; together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: *And provided further*, That all civil process issued from the courts of this State, and such criminal process as may issue under the authority of this State against any person charged with crime, in cases arising outside of such purchases or reservations, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been made.

"SEC. 2. In order to facilitate the operations of the government of the United States in the defense and proper lighting of the coasts of this State, and in continuing works of public improvement undertaken by the United States, this act shall take effect immediately upon its passage." (Act approved January 23, 1890.)

"SECTION 1. That the consent of the State of Washington be, and the same is hereby, given to the acquisition, by purchase or by condemnation, under the laws of this State relating to the appropriation of private property to public uses, by the United States of America, or under the authority of the same, of any tract, piece, or parcel of land, from any individual or individuals, bodies politic or corporate, within the boundaries or limits of this State, for the sites of locks, dams, piers, breakwaters, keepers' dwellings, and other necessary structures and purposes required in the improvement of the rivers and harbors of this State or bordering thereon, or for the sites of forts, magazines, arsenals, docks, navy-yards, naval stations, or other needful buildings authorized

by any act of Congress, and all deeds, conveyances of title papers for the same shall be recorded, as in other cases, upon the land records of the County in which the land so acquired may lie, and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tract or tracts, legal divisions or subdivisions of any public land belonging to the United States which may be set apart by the general government for any or either of the purposes before mentioned by an order, patent, or other official document or papers describing such land; the consent herein and hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided, and the jurisdiction of this State is hereby ceded to the United States of America over all such land or lands as may have been or may be hereafter acquired by purchase or by condemnation, or set apart by the general government for any or either of the purposes before mentioned: *Provided*, That this State shall retain a concurrent jurisdiction with the United States in and over all tracts so acquired or set apart as aforesaid, so far as that all civil and criminal process that may issue under the authority of this State against any person or persons charged with crimes committed, or for any cause of action or suit accruing without the bounds of any such tract, may be executed therein in the same manner and with like effect as though this consent and cession had not been granted.

"SEC. 2. The tracts, pieces or parcels of land so acquired or set apart, together with the tenements and appurtenances for the purposes before mentioned, shall be held exempt from taxation by the State of Washington." (Act approved February 24, 1891.)

FORT CANBY (CAPE DISAPPOINTMENT).

This reservation contains an area of about 588.02 acres, is situated in Pacific County, and includes all the land on Cape Disappointment (also called Cape Hancock) on the northern side of the mouth of the Columbia River, lying south of an east and west subdivisional line, which line lies 20 chains south of the Township line between Townships 9 and 10, North of Range 11 West, Willamette Meridian. The Light-House reservation (embraced within these limits), set apart by the President December 27, 1859, includes the whole of Lot No. 4, Section 9, of said Township, and contains 48 acres, which being deducted leaves the military reservation as first above stated. The title is as follows:

Forming a part of the public domain, it was reserved and set apart for military purposes by Executive Order dated February 26, 1852, afterwards modified by order dated January 15, 1863. Name of post changed from "Fort Cape Disappointment" to "Fort Canby" by G. O., A. G. O., January 28, 1875.

Jurisdiction was ceded to the United States by Section 1 of Article 25 of the Constitution of the State of Washington, as follows:

"SECTION 1. The consent of the State of Washington is hereby given to the exercise by the Congress of the United States of exclusive legislation in all cases whatsoever over such tract or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, light-houses, and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the Constitution of the United States; *provided*, that a sufficient description by metes and bounds, and an

accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the County in which the same is situated, together with copies of the orders, deeds, patents, or other evidences in writing of the title of the United States; *and provided*, that all civil process issued from the courts of this State, and such criminal process as may issue under the authority of this State, against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been made."

CANOE ISLAND.

This reservation contains an area of 43.10 acres, and is situated in San Juan County, in the Haro Archipelago, in what is called Upright Channel. The reservation includes the whole Island, its boundaries being limited by the meanderings or indentations of the shore line at mean low-water mark. The title is as follows:

Formerly a part of the public domain, it was reserved and set apart for military purposes by Executive Order dated July 2, 1875.

For jurisdiction see Section 1, Article 25, Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under the title "Admiralty Head.'

CHALLAM POINT.

This reservation is situated in Jefferson County, in Township 30, North of Range 2 West, on the west side of the entrance to Port Discovery.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres, if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 614 acres.

For jurisdiction see Section 1, Article 25, Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title "Admiralty Head."

CHALLAM POINT.

(Land opposite to.)

This reservation is situated in Jefferson County, in Township 30, North of Ranges 1 and 2 West, opposite Challam Point, on the east side of the entrance to Port Discovery.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres, if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 637 acres.

For jurisdiction see Section 1, Article 25, Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title "Admiralty Head."

CHINOOK POINT.

This reservation contains an area of 643$\frac{1}{5}$ acres, and is situated in Pacific County, on the north bank of the Columbia River, being a part of Sections 15, 16, 17, and 21, in Township 9, North of Range 10 West. The title is as follows:

1. Deed from Henry K. Stevens, Administrator, etc., to the United

States, dated May 24, 1864, conveying the above tract. Deed recorded in Book B, page 168, etc., of the deed records of Pacific County, March 13, 1867.

2. Quit Claim Deed from Solomon B. Preble and Mary Preble, his wife, to the United States, dated March 7, 1864, releasing right of dower held by Mary Preble as widow of Rocque Ducheney. Deed recorded in Book B, page 170, etc., of the deed records of Pacific County, March 13, 1867.

For jurisdiction see Act of the State Legislature approved January 23, 1890, for which see title "Admiralty Head."

DECEPTION PASS.

(North side of.)

This reservation is situated in Island County, in Township 34, North of Range 1 East, north of the entrance to the pass, and includes the two islands in the pass.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres, if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 550 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and the act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

DECEPTION PASS.

(South side of.)

This reservation is situated in Island County, in Township 34, North of Range 2 East, south of the entrance to the pass.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres, if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 630 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the State Constitution of Washington, under the title of "Fort Canby," and the act of the State Legislature approved February 24, 1891, for which see "Admiralty Head."

DOUBLE BLUFF.

This reservation is situated in Island County, being fractional sections 26, 27, 28, and Lots 4 and 5, Section 22, of Township 29, North of Range 2 East, opposite Foulweather Point.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres, if the title should be found to be in the United States. June 3, 1871, by final designation by the War Department the area was reduced to 633.3 acres, and afterward to 626.25 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the Constitution of the

State of Washington, under the title "Fort Canby," and act of the State Legislature approved February 24, 1891, under the title "Admiralty Head."

FOULWEATHER POINT.

This reservation is situated in Kitsap County, on the east side of the entrance to Hoods Canal, in Township 28, North of Ranges 1 and 2 East.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres, if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 602.20 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

GOOSE ISLAND.

This reservation includes the whole of the small island of that name lying in the Strait of San Juan de Fuca, off the southeastern point of San Juan Island, in the South-East quarter of the North-East quarter of Section 8, Township 34, Range 2 West, Willamette Meridian, in San Juan County. The title is as follows:

Formerly a part of the public domain, it was reserved and set apart for military purposes by Executive Order dated January 9, 1889.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

HOODS HEAD.

This reservation is situated in Kitsap County, on the west side of the entrance to Hoods Canal, in Township 28, North of Range 1 East.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 614.25 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under the title "Admiralty Head."

POINT WILSON.

(Jefferson County, lands in.)

This reservation is as yet (January 1, 1898) incomplete and the total area can not be given. It is situated in Jefferson County, at Port Townsend. The title, so far as acquired, is as follows:

1. Deed from George Pitman and wife to the United States, dated November 24, 1896, conveying the SE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and the E. $\frac{1}{2}$ of the SW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Section 17, Township 30, North of Range 1

East, containing 60 acres. Deed recorded in Vol. 36, page 228, of the deed records of Jefferson County.

2. Deed from Ann D. Starrett and husband et al. to the United States, dated July 2, 1897, conveying Lots 3 and 4 and SW. ¼ of NE. ¼ and W. ½ of SE. ¼ of Section 17, Township 30, North of Range 1 East, containing 172 acres of land. Deed recorded in Vol. 47, page 271, of the deed records of Jefferson County. Deed made in accordance with a Decree of Condemnation for said land in the United States Circuit Court for the District of Washington, Northern Division, wherein the United States, etc., were plantiffs and Ann D. Starrett et al. were defendants. Decree made final June 2, 1897, and filed with the record in the Clerk's Office of said Court.

3. Deed from Francis W. James to the United States, dated April 14, 1897, conveying a tract of 2.06 acres in fractional Section 35, Township 31, North of Range 1 West. Deed recorded in Vol. 36, page 264, of the deed records in Jefferson County.

4. Deed from Samuel B. Hamed to the United States, dated May 6, 1897, conveying Lot 3 of Section 35, Township 31, North of Range 1 West, containing 1.38 acres. Deed recorded in Vol. 36, page 263, of the deed records of Jefferson County.

5. Deed from T. B. Wilcox and wife to the United States, dated June 5, 1897, conveying 3.60 acres in Lot 3 of fractional Section 35, Township 31, North of Range 1 West. Deed recorded in Vol. 36, page 264, of the deed records of Jefferson County.

6. Deed from Louisa Stall to the United States, dated April 17, 1897, conveying Block 52 of the San Juan de Fuca addition to the City of Port Townsend. Deed recorded in Vol. 36, page 267, of the deed records of Jefferson County.

7. Deed from Mary Thompson and husband et al. to the United States, dated June 14, 1897, conveying Block 42 in same addition, etc. Deed recorded in Vol. 47, page 295, of the deed records of Jefferson County.

8. Deed from Walter C. Smith and wife to the United States, dated June 17, 1897, conveying Blocks 32 and 34 of same addition, etc. Deed recorded in Vol. 47, page 293, of deed records of Jefferson County.

9. Deed from the Starrett Estate Company to the United States, dated May 8, 1897, conveying Block 54 in same addition, etc. Deed recorded in Vol. 47, pages 366–367, of the deed records of Jefferson County.

For jurisdiction see Acts of the State Legislature approved January 23, 1890, and February 24, 1891, under the title "Admiralty Head."

LOPEZ ISLAND.

(Northwest portion.)

This reservation contains an area of 634.60 acres, and is situated in San Juan County, in Townships 35 and 36, North of Range 2 West, extending between and including within its limits both Flat Point and Upright Point. Was set apart from the public domain and declared a reservation for military purposes by Executive Order dated July 2, 1875.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

LOPEZ ISLAND.

(Southwest portion.)

This reservation contains an area of 599.30 acres and is situated in San Juan County, in Township 34, North of Range 2 West, directly opposite the southeast point of San Juan Island, and includes Bunch Island and Whale Rocks. Was set apart from the public domain and declared a reservation for military purposes by Executive Order dated July 2, 1875.

For jurisdiction see Section 1, Article 25, Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

MARROWSTONE POINT.

This reservation is situated in Jefferson County, in Township 30, North of Ranges 1 East and 1 West, at the entrance to Port Townsend and Admiralty Inlet. It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department, the area was reduced to 590 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

In addition to the above, the N. $\frac{1}{2}$ of the SW. $\frac{1}{4}$ of Section 17, and that part of Lot 6 of Section 18, Township 30, North of Range 1 East, Willamette Meridian, not embraced in the order of September 22, 1866, was, by Executive Order dated November 14, 1896, added to the Marrowstone Point Reservation, the addition being estimated as containing an area of 58 acres.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under title "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

NEE-AH HARBOR.

(East side of.)

This reservation contains an area of 398 acres and 3 roods, and is situated in Clallam County on the east side of Nee-ah Harbor, near the strait of Juan De Fuca.

As part of the public domain it was set apart and declared a reservation for military purposes by Executive Order dated June 9, 1868.

For jurisdiction see Section 1, Article 25 of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

NEE-AH HARBOR.

(West side of.)

This reservation contains 381 acres and 1 rood, and is situated in Clallam County on the west side of Nee-ah Harbor, near the strait of Juan De Fuca.

As a part of the public domain it was set apart and declared a military reservation by Executive Order dated June 9, 1868.

For jurisdiction see Section 1, Article 25 of Constitution of State of

Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under the title of "Admiralty Head."

NEW DUNGENESS HARBOR.

(Lands on north side of.)

This reservation is situated in Clallam County, in Township 31, North of Range 4 West, on the north side of New Dungeness Harbor, embracing all the peninsula to its junction with the mainland.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 258.63 acres.

For jurisdiction see Section 1, Article 25 of Constitution of the State of Washington, under the title "Fort Canby," and act of the State Legislature approved February 24, 1891, under the title "Admiralty Head."

NEW DUNGENESS HARBOR.

(Lands on south side of.)

This reservation is situated in Clallam County, in Township 31, North of Ranges 3 and 4 West, on the south side of New Dungeness Harbor.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 628 acres.

For jurisdiction see Section 1, Article 25 of the Constitution of the State of Washington, under title "Fort Canby," and act of the State Legislature approved February 24, 1891, under the title of "Admiralty Head."

POINT DEFIANCE.

This reservation contains an area of about 637.09 acres and is situated in Pierce County, at the narrows of Puget Sound, on the east of Commencement Bay.

Taken from the public domain and declared a reservation for military purposes by Executive Order dated September 22, 1866, which order reserved 640 acres should the title be found to be in the United States. Upon final designation by the War Department the area was reduced to 637.09 acres. This latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25 of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

PORT ANGELES.

This reservation contains an area of about 473.25 acres, and is situated in Clallam County, lying on the south and west sides of Port Angeles Harbor.

It was declared by Executive Order dated July 19, 1862, which was afterwards revoked by the President, but was reserved again by Executive Order dated March 10, 1863, under an Act of Congress approved March 3, 1863. This reservation seems to include the present town of

Port Angeles. The records show acts of ownership by the Government as late as May 8, 1895, in issuing a revocable license for the use of the reservation.

For jurisdiction see Section 1, Article 25 of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

PROTECTION ISLAND.

(Land opposite to.)

This reservation is situated in Jefferson County, in Township 30, North of Range 1 West, opposite to Protection Island.

It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 624.25 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25 of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

PUGET SOUND.

(At narrows of.)

This reservation contains an area of 633 acres, and is situated in King County, being the south end of Vashorn Island.

It was set apart from the public domain and reserved for military purposes by Executive Order dated June 9, 1868.

For jurisdiction see Section 1, Article 25 of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature approved February 24, 1891, under title of "Admiralty Head."

SAN JUAN ISLAND.

(Northeast point of.)

This reservation contains an area of 508.33 acres, and is situated in San Juan County in Sections 1, 2, 11, 12, and 13, in Township 35, North of Range 3 West, and includes Point Caution.

Forming a part of the public domain it was declared and set apart as a military reservation by Executive Order, dated July 2, 1875. This order reserved 640 acres, but the title to so much not found to be in the United States at date of order, the area was designated by the War Depatment as above noted.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title of "Admiralty Head."

SAN JUAN ISLAND.

(Southeast point of.)

This reservation contains an area of about 640 acres, and is situated on San Juan Island in Township 34, North of Range 2 West, Willamette Meridian, and includes Cattle Point, Rocky Peninsula, Neck Point, and Mount Finlayson.

Forming a part of the public domain it was declared and set apart as a military reservation by Executive Order, dated July 2, 1875. This order was afterwards amended by order dated March 20, 1889, which last order was amended by the Executive May 20, 1889, so as to embrace Lot 1 of Section 5; Lots 4, 5, 6, 7, 8, 9, and 12, SW. ¼ of NE. ¼ and SE. ¼ of NE. ¼ of Section 7; and Lots 1, 2, 3, 4, 5, 6, and 7, and SW. ¼ of NW. ¼, and the SE. ¼ of the NW. ¼ of Section 8 of the above Township and Range, with the area above stated.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title of "Admiralty Head."

SHAW ISLAND.

(Eastern side of.)

This reservation contains an area of 594.90 acres, and is situated in San Juan County, in Township 36, North of Range 2 West. It was set apart from the public domain and reserved for military purposes by Executive Order, dated July 2, 1875. This order reserved 640 acres, but the title to so much not found to be in the United States at the date of the order, the area was designated by the War Department as above stated.

For jurisdiction see Section 1, Article 25, of Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under the title "Admiralty Head."

SHAW ISLAND.

(Western side of.)

This reservation contains an area of 515.30 acres and is situated in San Juan County, in Township 36, North of Range 2 West, and includes George Point and Neck Point on the western shore of the Island. It was set apart from the public domain and reserved for military purposes by Executive Order, dated July 2, 1875. This order reserved 640 acres, but the title to so much not found to be in the United States at the date of the order, the area was designated by the War Department as above stated.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title of "Admiralty Head."

FORT SPOKANE.

(Old site.)

This reservation contains an area of 640 acres, and is situated in Township 28, North of Range 36 East, in Lincoln County. As a part of the public domain it was set apart and declared a military reservation by Executive Order, dated January 12, 1882, which was afterwards modified by Order, dated November 17, 1887, excepting from reservation all lands within the limits described heretofore granted, entered upon by settlers, or in any way reserved.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title of "Admiralty Head."

FORT SPOKANE.

(New site.)

This reservation contains an area of 1,022.80 acres, exclusive of the right of way of the Seattle, Lake Shore and Eastern Railroad, and also exclusive of the right of way of the St. Paul, Minneapolis and Manitoba Railroad (Great Northern), and is situated in Spokane County, near the City of Spokane.

The land was acquired under and by virtue of an Act of Congress, approved February 12, 1895. The title is as follows:

Deed from the Spokane and Eastern Trust Company to the United States, dated October 31, 1895, conveying by metes and bounds a tract containing the above acreage, after excepting the right of way for the two roads named. Deed recorded in Vol. 41, page 124, of the deed records of Spokane County.

For jurisdiction, see Acts of the State Legislature, approved January 23, 1890, and February 24, 1891, under the title of "Admiralty Head."

SUCIA ISLANDS.

This reservation contains an area of 377.4 acres, and is situated in San Juan County, in the Gulf of Georgia, being approximately in Sections 23, 24, 25, and 26, of Township 38, North of Range 2 West, Willamette Meridian. The Islands were originally reserved by Executive Order, dated July 13, 1892, for Light-House purposes, which order was canceled by order dated March 4, 1896, and excepting lands embraced within two permanent locations for light-house purposes, the Islands were reserved for military purposes. By a later order, dated December 12, 1896, the Executive turned over to the Interior Department, under authority of the act of Congress approved July 5, 1884, all the land embraced in the mineral application No. 97, known as the "Sucia Island Stone Mine," reducing the area to the acreage as stated above.

For jurisdiction, see act of the State Legislature, approved February 24, 1891, under the title "Admiralty Head."

TALA POINT.

This reservation is situated in Kitsap County, on the west side of the entrance to Hood's Canal and southwest from Double Bluff Military Reservation, in Township 28, North of Range 1 East. It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 615.25 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

THREE TREE POINT.

This reservation contains an area of 640 acres, and is situated in Wahkiakum County, in Township 9, North of Range 7 West, on the right bank of the Columbia River, nearly opposite the east end of Wood

Island. Forming part of the public domain, it was set apart and reserved for military purposes by Executive Order dated July 31, 1865.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

TWO ISLANDS.

(Deception Pass.)

These two islands are situated east of Deception Pass, in Island County, in Township 34, North of Range 2 East. They were declared by Executive Order, dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 140 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

VANCOUVER BARRACKS.

This reservation contains an area of 639.54 acres, and is situated on the right bank of the Columbia River, 120 miles from its mouth and 5 miles west of its confluence with the Willamette River, in Clarke County.

A reserve 10 miles square was made here by an Order of the Secretary of War, dated January 29, 1848, and under that order Col. W. W. Loring, on behalf of the United States, by an order dated October 31, 1850, defined the limits of said reservation, including an area of about 16 square miles, subject to any and all valid claims of the Hudson Bay Company and others, as provided for in the treaty between the United States and Great Britain, dated July 17, 1846. By instructions from the War Department, dated October 29, 1853, the area was reduced to 640 acres and the boundaries thereof published in General Orders, dated December 8, 1853, Headquarters, Fort Vancouver, Washington Territory. By an Order of the War Department, dated July 15, 1875, the boundaries of the reservation were again defined and published in General Orders No. 22, Headquarters Department of the Columbia, October 12, 1875, giving the area as first above set out, the reduction being the forty-six one hundredths of an acre set apart under an act of Congress approved August 14, 1848, to the Roman Catholic Mission of St. James. The action of the Secretary of War was confirmed by the President and published in Executive Order dated January 15, 1878.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

VANCOUVER POINT.

This reservation is situated in Jefferson County, in Townships 29 and 30, North of Range 2 West, on the west side of Port Discovery. It was declared by Executive Order, dated September 22, 1866. This order reserved 640 acres if the title should be found to be in the United

States. Upon final designation by the War Department, the area was reduced to 603 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

WAADAH ISLAND.

This reservation contains an area of about 29 acres, and is situated in Clallam County, on the east side of Neeah Harbor, near the entrance to the strait of Juan De Fuca; was set apart from the public domain and declared a reservation for military purposes by Executive Order dated June 9, 1868.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

FORT WALLA WALLA.

This reservation contains an area of 612.933 acres, and is situated 1 mile from Walla Walla, in Walla Walla County, in Township 7, North of Range 36 West. This reservation was declared by Executive Order dated May 7, 1859. By an act of Congress approved February 24, 1871, the Secretary of War was authorized to transfer the reservation to the Secretary of the Interior for disposition. June 1, 1871, action in disposing of reservation was suspended upon request of the Secretary of War, owing to mistake in the act passed February 24, 1871. The Secretary of War, by an order dated July 16, 1872, in accordance with the act of Congress approved February 24, 1871, as amended by acts approved April 29, June 5, and June 8, 1872, transferred the reservation to the Interior Department. The Interior Department having turned over the reservation of Fort Walla Walla to the War Department, it was again announced as a reservation for military purposes by General Orders No. 24, Headquarters Department ot the Columbia. October 26, 1875, the whole of the timber and part of the hay reservation was by the Secretary of War relinquished to the Interior Department.

May 3, 1880, the remainder of the hay reservation relinquished also 20.428 acres of the military reservation, leaving the area as first above stated.

The boundaries of the reservation were announced, as contracted, June 21, 1880, and on April 4, 1882, order rescinded, and present boundaries established and announced by General Orders, No. 8, Department of the Columbia.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title of "Admiralty Head."

WASHINGTON HARBOR.

(East side of.)

This reservation is situated in Clallam County, in Township 30, North of Range 3 West, on the east side of the entrance to Washington Harbor. It was declared by Executive Order dated September 22,

1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 404 acres, excluding lands embraced in donation claim of George H. Gerrish, per Executive Order of January 9, 1893.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title of "Admiralty Head."

WASHINGTON HARBOR.

(West side of.)

This reservation is situated in Clallam County, in Township 30, North of Range 3 West, on the west side of the entrance to Washington Harbor. It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 614 acres.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

WHIDBEYS ISLAND.

(North point of.)

This reservation is situated in Island County, in Township 34, North of Ranges 1 and 2 East, it being the most northerly point of the Island. It was declared by Executive Order dated September 22, 1866. The order reserved 640 acres if the title should be found to be in the United States. Upon final designation by the War Department the area was reduced to 606 acres. It is possible that this latter area may be still further reduced by excepting tracts found to have been disposed of prior to the date of the above order.

For jurisdiction see Section 1, Article 25, of the Constitution of the State of Washington, under the title of "Fort Canby," and act of the State Legislature, approved February 24, 1891, under title "Admiralty Head."

WEST VIRGINIA.

GRAFTON NATIONAL CEMETERY.

This reservation contains an area of 3.40 acres and is situated at Grafton, in Taylor County. The title is as follows:

1. Decree of Condemnation for the above property in Ex parte Jedediah W. Yates et al. in the District Court of the United States for the District of West Virginia. Decree rendered March 30, 1871, and filed with the record in said cause in the Clerk's Office of said Court at Clarksburg.

2. Deed from William D. Mackin and wife et al. to the United States, dated October 26, 1874, conveying above property. Deed recorded in Liber 12, folio 323, etc., of the deed records of Taylor County.

3. Deed from William D. Mackin and wife to the United States, dated June 21, 1878, conveying a strip of land around the cemetery containing 6,994 square feet of ground. Deed recorded in Book 14, page 187, etc., of the deed records of Taylor County.

No cession of jurisdiction.

WISCONSIN.

FOREST HILL CEMETERY.

(Soldiers' lot.)

This reservation includes a certain burial lot known as the "Soldiers' Rest," in Section 29, in the "Forest Hill Cemetery," of the City of Madison, in Dane County. The title is as follows:

Deed from the City of Madison to the United States, dated June 18, 1866, conveying the above property. Deed recorded in Vol. 1, page 286, of the deed records of the Forest Hill Cemetery at Madison.

FOREST HOME CEMETERY.

(Soldiers' lot.)

This reservation comprises Lots numbered 5, 6, 7, and 8, in Block No. 5, of Section No. 24, in "Forest Home Cemetery," near the City of Milwaukee, and situated in the Town of Lake, fronting on the Plank Road leading from Milwaukee to Janesville, in Milwaukee County. The title is as follows:

Deed from The Rector, Wardens, and Vestrymen of St. Paul's Church in the City of Milwaukee to the United States, dated November 11, 1872, conveying the above property. Deed recorded in Vol. 129, page 121, etc., of the deed records of Milwaukee County.

MOUND CEMETERY.

(Soldiers' lot.)

This reservation comprises Lots 1, 5, and 6, in Block No. 18, in the "Mound Cemetery," near the City of Racine, in the County of Racine. The title is as follows:

Deed from the City of Racine to the United States, dated May 22, 1868, conveying the above property. Deed recorded in Book 55, page 245, of the deed records of Racine County.

PROTESTANT CEMETERY.

(Soldiers' lot.)

This reservation embraces a lot known as Block No. 62, in Prairie du Chien Land Company (addition) No. 1, at Prairie du Chien, in Crawford County. The title is as follows:

Deed from John S. Lockwood, Proprietor, to the United States, dated June 18, 1866, conveying the above property. Deed recorded in Book 21, page 427, of the deed records of Crawford County.

ST. LOUIS RIVER MILITARY RESERVATION.

This reservation, situated in Douglas County at the mouth of the St. Louis River, on Lake Superior, as originally declared by Executive Order dated March 13, 1854, included fractional Sections 20, 27, 28, and 29, of Township 49, North of Range 13 West of the fourth Principal Meridian. It was at that date supposed to be unappropriated public land. Upon the recommendation of the War Department the Presi-

dent, by an order dated January 11, 1855, canceled the order of March 13, 1854, as to fractional Sections 27 and 29, leaving the reservation to consist of fractional sections 20 and 28. This was still further reduced by a decision of the Secretary of the Interior, dated September 21, 1893, in the case of the United States *v.* Joseph A. Bullen (involving a portion of said reservation), wherein the Honorable Secretary decided in favor of said Bullen, awarding him Lots 1 and 2 of fractional Section 28. The reservation as now held by the United States embraces fractional Section 20 and whatever is left of fractional section 28 after eliminating Lots 1 and 2.

WYOMING.

FORT D. A. RUSSELL.

This reservation contains an area of 7,052.64 acres, including the wood reserves (originally reserved for Forts Sanders, D. A. Russell, and Cheyenne Depot). The fort adjoins the City of Cheyenne, in Laramie County, and comprises part of Township 14, North of Range 67 West, and contains 4,512 acres, and was set apart from the public domain and reserved for military purposes by Executive Order dated June 28, 1869. The wood reserve, containing about 2,540.64 acres, was set apart and reserved for military purposes by Executive Orders dated November 4, 1879, and February 25, 1880. The above area of the Fort was reduced by the transfer to the City of Cheyenne of 160 acres under an act of Congress approved March 2, 1895.

Jurisdiction was ceded to the United States by the State of Wyoming by an act of the State Legislature approved February 17, 1893, which act provides as follows:

"SECTION 1. That exclusive jurisdiction be, and the same is, hereby ceded to the United States over and within all the territory owned by the United States, included within the limits of the United States military reservations known as Fort D. A. Russell, Fort McKinney and Fort Washakie, Camp Sheridan, and Camp Pilot Butte, and the United States Powder Depot at Cheyenne, together with such other lands in the State as may be now or hereafter acquired or held by the United States for military purposes, either as additions to the posts above named, or as new military posts or reservations, which may be established for the common defence, saving, however, to the said State, the right to serve civil or criminal process within the limits of the aforesaid forts, camps and depot, in suits or prosecutions for, or on account of rights acquired, obligations incurred or crimes committed in said State, but outside of said cession and reservation, and saving further to said State the right to tax persons and corporations, their franchises and property, on said lands hereby ceded."

PILOT BUTTE CAMP.

(Subpost to Fort Douglas.)

This reservation has not been defined by metes and bounds; is a subpost of Fort Douglas, and is situated near Rock Springs, in Sweetwater County.

For cession of Jurisdiction see Fort D. A. Russell.

FORT FRED. STEELE.

(Cemetery.)

This reservation was formerly turned over to the Interior Department, with the request that the Cemetery (containing about seventy bodies of soldiers) be reserved from sale until disposition can be made of the remains by removing them to a National Cemetery. (See War Department Circular dated August 12, 1886. See, also, Order of the Secretary of War dated November 19, 1886.) The Cemetery is situated in Carbon County, near the site of the post.

FORT WASHAKIE.

This reservation contains an area of 1,405 acres, and is situated in Fremont County, on the Union Pacific Railroad. Forming a part of the Shoshone Indian Reservation, it was declared a military reservation and its limits defined by Executive Order dated May 21, 1887, with the following proviso:

"The use and occupancy of the land in question be subject to such right, title, and interest as the Indians have in and to the same, and that it be vacated whenever the interest of the Indians shall require it, upon notice to that effect to the Secretary of War."

For cession of Jurisdiction see Fort D. A. Russell.

FORT YELLOWSTONE.

This reservation, formerly Camp Sheridan, contains an area of 28 acres, which includes 5.5 acres set apart for Hospital site. It is situated on Beaver Creek, 8 miles from Cinnabar, on Yellowstone Park line of Northern Pacific Railroad, within the limits of the Yellowstone National Park. The reservation of 22.5 acres was set aside by the Secretary of the Interior for use of military authorities February 27, 1891, and the additional reservation of 5.5 acres for Hospital site May 11, 1893.

Exclusive jurisdiction in the United States was reserved by Congress in establishing the Yellowstone National Park. (For act of the State of Wyoming ceding Jurisdiction to the United States see Fort D. A. Russell.)

NOTE.—The following reservations, not being within the scope of this work, are omitted, viz:

National Home for Disabled Volunteers (seven in number); also the following National Parks: General Grant, Sequoia, and Yosemite, in California, and the Yellowstone, in Wyoming. The Leavenworth Military Prison, at Fort Leavenworth, Kans. Land in Westmoreland County, Va., for monument marking birthplace of Washington, and land in Fredericksburg, Va., for monument to Mary, mother of Washington.

APPENDIX.

EMINENT DOMAIN.

Right in the State.—The right to take property, for public uses, is inherent in government. The State possesses this right as one of the rights of sovereignty. (Gilmer *v.* Lime Point, 18 Cal., 229.)

A "fort" is an object of "public use," and a State may, for its own purposes, condemn land for a fort, or may authorize the land to be condemned for such purposes, for and on behalf of the general government. (Ibid.)

Assuming that the federal government has the power to condemn private land within a State for the purposes of a "fort," still that power is not exclusive of the power of the State. (Ibid.)

But it seems to be now well settled that the exercise of this right for *national* purposes is not among the ends contemplated in the creation of State governments. (See Trumbley *v.* Humphry, 23 Mich., 417.)

The right of eminent domain is inherent in the State and not conferred by the Constitution, and may be delegated by the legislature to any corporation or individual who shall comply with the terms upon which the right is given. (Moran *v.* Ross, 79 Cal., 159. See also 23 Mich., 471, supra.)

How far power of State restricted.—The right of eminent domain over the shores and the soil under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it. * * * But in the hands of the State this power can never be used so as to affect the exercise of any *National* right of eminent domain or jurisdiction with which the United States have been invested by the Constitution. (Ibid.)

Power of the Federal Government.—In the new Territories, where the government of the United States exercises sovereign authority, it possesses as incident thereto, the right of eminent domain, which it may exercise directly or through the territorial government; but this right passes from the nation to the newly formed State whenever the latter is admitted into the Union. So far, however, as the general government may deem it important to appropriate lands or other property for its own purposes, and to enable it to perform its functions—as must sometimes be necessary in the case of forts, light-houses, military posts or roads, and other conveniences and necessities of government—the general government may still exercise the authority, as well within the States as within the territory under its exclusive jurisdiction, and its right to do so may be supported by the same reasons which support the right in any case; that is to say, the absolute necessity that the means in the government for performing its functions and perpetuating its

existence should not be liable to be controlled or defeated by the want of consent of private parties, or of any other authority. (Cooley on Constitutional Limitations, 645.)

Property already devoted to public use in a local community (not a State) may be taken.—The power of appropriating private property to public purposes is an incident of sovereignty. And it may be, that by the exercise of this power, under extraordinary emergencies, property which had been dedicated to public use, but the enjoyment of which was principally limited to a local community (not a State), might be taken for higher and national purposes, and disposed of on the same principles which subject private property to be taken. In a government of limited and specified powers, like ours, such a power can be exercised only in the mode provided by law. (New Orleans *v.* The United States, 10 Peters, p. 723 of opinions.)

State jurisdiction.—It is in the power of either of the States to take land of its citizens for public use by special act and without intervention of jury, but on payment of reasonable indemnity ascertained by commissioners. A public use of the United States is a public use of each of the States of the Union. Consent of a State to the purchase of land within it conveys, in general, jurisdiction to the United States; *but not* when all jurisdiction is expressly reserved by the State. (Vol. 8, p. 30, Opinions Attorneys-General. Seabrook's Island Case. See Trumbly *v.* Humphry, 23 Mich., 417, and authorities cited per contra as to proposition first above stated.)

How far right may be exercised by the United States.—The right of eminent domain exists in the government of the United States, and may be exercised by it within the States, so far as is necessary to the enjoyment of the powers conferred upon it by the Constitution. (Kohl et al. *v.* The United States, 91 U. S. Rep., 367.)

For what purposes private property taken—Right in United States can not be enlarged or diminished by State—When consent of State needed.—It is a right belonging to a sovereignty to take private property for its own uses, and not for those of another. Beyond that there exists no necessity, which alone is the foundation of the right. If the United States have the power, it must be complete in itself. It can neither be enlarged nor diminished by a State. Nor can any State prescribe the manner in which it must be exercised. The consent of a State can never be a condition precedent to its enjoyment. Such consent is needed only, if at all, for the transfer of jurisdiction and of the right of exclusive legislation after the land shall have been acquired. (Ibid.)

Query.—Should the United States proceed to make title to lands in one of the States by expropriation, as of the eminent domain of such State, would not the requirements of the Statute of such State, governing the subject, have to be strictly complied with?

An exposition of the right of.—The powers vested by the Constitution in the general government demand for their exercise the acquisition of land in all the States. They are needed for forts, armories, and arsenals, for navy-yards and light-houses, for custom-houses, post-offices, and court-houses, and for other public uses. If the right to acquire property for such uses may be made a barren right by the unwillingness of property holders to sell, or by the action of a State prohibiting a sale to the Federal Government, the constitutional grants of power may be rendered nugatory, and the government is dependent for its practical

existence upon the will of the State, or even upon that of a private citizen. This can not be. No one doubts the existence in the State governments of the right of eminent domain—a right distinct from and paramount to the right of ultimate ownership. It grows out of the necessity of their being, not out of the tenure by which lands are held. It may be exercised, though the lands are not held by grant from the government, either mediately or immediately, and independent of the consideration whether they would escheat to the government in case of a failure of heirs. The right is the offspring of political necessity; and it is inseparable from its sovereignty, unless denied to it by its fundamental laws. (Ibid.)

Of State confined to State purposes.—This State has no authority, by virtue of its eminent domain, to condemn private lands within its boundaries for the purpose of turning the same over to the United States for the erection and maintenance of light-houses thereon. Act No. 119 of 1867 (Session Laws 1867, p. 158), which undertakes to authorize the governor to do this is unconstitutional, for the reason that its enactments are not within the sphere of State powers, and if put in force would constitute an appropriation of the property of individuals without due process of law. (Trumbley *v.* Humphrey, 23 Mich., 471.)

Defined—Necessity justifies its exercise.—The eminent domain is the rightful authority which exists in every sovereignty to control and regulate those rights of a public nature which pertain to its citizens in common, and to appropriate and control individual property for the public benefit, as the public safety, necessity, convenience and welfare may demand. It has its foundation in the imperative law of necessity which alone justifies and limits its exercise. (Ibid.)

Right of, in the United States.—The United States in the exercise of its sovereignty, and as a part of its provision for the regulation, control and protection of commerce, and erect light-houses may in the exercise of its eminent domain, by observing the constitutional requirements of making due compensation therefor, seize and condemn the property of individuals for that purpose. (Ibid.)

Exercise of this right for national purposes not contemplated in creation of State governments.—The right of eminent domain in any sovereignty exists only for its own purposes; and to furnish machinery to the general government for it to appropriate lands for national objects is not among the ends contemplated in the creation of the State government. (Ibid.)

Consent of State not a condition precedent.—The consent of a State is not a condition precedent to the taking of lands by the general government. Its consent is required only for the purpose of a transfer of jurisdiction. (Ibid. See, also, Darlington *v.* United States, 82 Penn. St. Rep., 382; and Kohl *v.* United States, 91 U. S., 367.)

Private property can only be taken for public use, and whether or not a use is public is a question for the court. (Ibid. See, also, matter of Deansville Cemetery Association, 66 New York, 569; and matter of New York Central and Hudson River Railroad Company, 77 New York, 248.)

Constitutional law—Grants by State to the United States.—A State legislature may delegate the right of eminent domain to an agent of the United States for the purpose of obtaining land in such State as a

site for a post-office. (Burt, Petitioner, *v.* The Merchants' Insurance Company, 106 Mass. Rep., 356.)

NOTE.—The above case shows the power to be delegated to *an agent of the United States* and is not an exercise of power of eminent domain by the State for the purpose of turning the property over to the United States, for, as stated therein: "By an act of the legislature of Massachusetts an agent of the United States was authorized to purchase land in the State for the site of a Post-Office. The act provided that when the agent and the owners of the land could not agree upon the price there should be an appraisement made by a jury. *Held*, that in order to obtain the land and the appraisement, it was not necessary that the owner should first consent to a sale."

A State can not exercise it in behalf of the United States.—The United States may exercise the right of eminent domain within a State; but a State can not exercise it in behalf of the United States. The State may take the property of a citizen for public uses by virtue of its right of eminent domain, but it can not take it for the benefit of another sovereignty, for the use of the citizens of the latter, nor can it delegate its right of eminent domain to another sovereignty for such purposes. (Darlington *v.* The United States, 82 Penn. St. Rep., 382, criticises Gilmer *v.* Lime Point, 18 Cal., p. 229, and Burt, Petitioner, *v.* The Merchants' Ins. Co., 106 Mass., 356, and declares the law to be well stated in Trumbley *v.* Humphrey, 23 Mich., 471; also in Kohl *v.* The United States, 91 U. S. Rep., 367.)

The United States may exercise right in State court under a State law.—The State legislature may authorize proceedings in the State Courts on behalf of the Federal Government to acquire title to lands for a public use, the benefit of which is shared by the citizens of the State; and while the Federal Government may, as an independent sovereignty, condemn lands within a State for its use, by proceedings in its own courts, it may, as a petitioner in a State court, accomplish the same end through proceedings under a State law.

(In the matter of the Petition of the United States for the appointment of Commissioners, etc., 96 N. Y., 227.)

The supremacy of the Government of the United States.—The United States is a government with authority extending over the whole territory of the Union, acting upon the States and the people of the States. While it is limited in the number of its powers, so far as its sovereignty extends it is supreme. No State government can exclude it from the exercise of any authority conferred upon it by the Constitution, obstruct its authorized officers against its will, or withhold from it, for a moment, the cognizance of any subject which that instrument has committed to it. (Tennessee *v.* Davis, 100 U. S., 263 of opinion.)

The power an incident of sovereignty.—The power to take private property for public uses, in the exercise of the right of eminent domain, is an incident of sovereignty, belonging to every independent government, and requiring no constitutional recognition and it exists in the government of the United States. (United States *v.* Jones, Administrator et al., 109 U. S., 513.)

Compensation a constitutional limitation—How fixed and determined.—The liability to make compensation for private property taken for public uses is a constitutional limitation of the right of eminent domain. As this limitation forms no part of the power to take private property for public uses, the government of the United States may delegate to a tribunal, created under the laws of a State, the power to fix and deter-

mine the amount of compensation to be paid by the United States for private property taken by them in the exercise of their right of eminent domain; or, it may, if it pleases, create a special tribunal for that purpose. (Ibid.)

Right of United States to make title by expropriation.—The United States may lawfully make title to land in one of the States by expropriation as of the eminent domain of such State, and with assent thereof. (Vol. 7, p. 114, Opins. Attys. Genl., Washington Aqueduct Case.)

When private property taken for public use, just compensation must be made to owner.—When property to which the United States assert no title, is taken by their officers or agents, pursuant to an act of Congress, as private property, for the public use, the government is under an implied obligation to make just compensation to the owner. (The United States *v.* Great Falls Manufacturing Company, 112 U. S. Rep., p. 645.)

Claim of owner for just compensation arises out of implied contract.—Such an implication being consistent with the constitutional duty of the government, as well as with common justice, the owner's claim for compensation is one arising out of implied contract, within the meaning of the Statute defining the jurisdiction of the Court of Claims, although there may have been no formal proceedings for the condemnation of the property to public use. (Ibid.)

The owner may elect to treat the taking of his property as an exercise of the right and demand compensation.—The owner may waive any objection he might be entitled to make, based upon the want of formal proceedings, and electing to regard the action of the government as a taking under its sovereign right of eminent domain, may demand just compensation for the property. (Ibid.)

Legislative and judicial domain distinguished.—Of the *necessity or expediency* of exercising the right of eminent domain in the appropriation of private property to public uses, the opinion of the legislature or of the corporate body or tribunal upon which it has conferred the power to determine the question, is conclusive upon the courts, since such a question is essentially political in its nature, and not judicial. But the question *whether the specified use is a public use or purpose*, or such use or purpose as will justify or sustain the compulsory taking of private property, is, perhaps, ultimately a judicial one, and, if so, the courts can not be absolutely concluded by the action or opinion of the legislative department. But if the legislature has declared the use or purpose to be a public one, its judgment will be respected by the courts, unless the use be palpably private, or the necessity for the taking plainly without reasonable foundation. But if the use be public, or if it be so doubtful that the courts can not pronounce it not to be such as to justify the compulsory taking of private property, the decision of the legislature, embodied in the enactment giving the power, that a necessity exists to take the property, is final and conclusive. (Dillon's Municipal Corporations, 4th Ed., Vol. 2, Sec. 600.)

National Park, Gettysburg Battlefield.—An appropriation by Congress for continuing the work of surveying, locating, and preserving the lines of battle at Gettysburg, Pa., and for purchasing, opening, constructing and improving avenues along the portions occupied by the various commands of the armies of the Potomac and Northern Virginia on the field, and for fencing the same; and for the purchase, at

private sale or by condemnation, of such parcels of land as the Secretary of War may deem necessary for the sites of tablets, and for the construction of the said avenues; for determining the leading tactical positions and properly marking the same with tablets of batteries, regiments, brigades, divisions, corps, and other organizations, with reference to the study and correct understanding of the battle, each tablet bearing a brief historical legend, compiled without praise and without censure, is an appropriation for a public use, for which the United States may, in the exercise of its right of eminent domain, condemn and take the necessary lands of individuals and corporations, situated within that State, including lands occupied by a railroad company. (United States *v.* Gettysburg Electric Railway Company, 160 U. S., 668.)

An implied power, necessary for the purpose of carrying powers expressly given into effect.—Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation to be exercised for the common defense and general welfare. Having such powers, it has such other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect. Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress must be valid. This proposed use (National Park, Gettysburg Battlefield) comes within such description. The provision comes within the rule laid down by Chief Justice Marshall in McCullock *v.* Maryland (4 Wheat., 316, 421), in these words: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriated, which are plainly adequate to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (Ibid., p. 681.)

Limited appropriation does not render invalid the law provided for taking land, quantity necessary a legislative question.—The mere fact that Congress limits the amount to be appropriated for such purpose (National Park), does not render invalid the law providing for the taking of the land. The quantity of land which should be taken for such a purpose is a legislative, and not a judicial question. (Ibid., p. 669.)

Acquisition of land for national cemeteries.—To authorize the acquisition by the exercise of the right of eminent domain, of private land for a national cemetery under Sections 4870, 4871, Revised Statutes, there must be (1) an existing appropriation, (in conformity with the rule of Sec. 3736, Rev. Stats.) authorizing the acquisition, and (2) the private owner must be unwilling to give title, or the Secretary of War be unable to agree with him as to price. (Dig. Opins. J. A. Genl., p. 528, par. 8.)

Appraisement of land for national cemetery, when conclusive upon Secretary of War.—The appraisement of land for a national cemetery, as duly finally made by a United States Court under Sections 4871 and 4872, Revised Statutes, is conclusive upon the Secretary of War, who must thereupon pay the appraised value as indicated in the latter section. If indeed there has been *fraud* in the valuation by which the court has been deceived in its decree, or its original appraisement is deemed *excessive*, it may properly be moved for a new appraisement on the part of the United States. (Citing Vol. 14, p. 27, Opins. Attys. Genl.) (Ibid., p. 526, par. 1.)

Express legislation of Congress necessary to the exercise of the right.—Authority to acquire land in a State, by the exercise of the right of eminent domain, whether by proceedings for condemnation in the United States Circuit Court or in the Courts of the State, can be vested in an executive official of the United States, only by express legislation of Congress. (Dig. Opins. J. A. Genl., pp. 628, 629, par. 8.)

No general act of Congress making State courts an agency for condemning lands.—Held, that there was no general act of Congress making State courts an agency of the United States for the purpose of condemning lands, and that proceedings for this purpose should be had in a United States Court under an Act of Congress, or in a State court when such court has been by such Act made an agency for the purpose. (Dig. Opins. J. A. Genl., p. 383, par. 2.)

The United States may acquire title by judicial proceedings.—It is now well settled that whenever, in the execution of the powers granted to the United States by the Constitution, lands in any State are needed by the United States, for a fort, magazine, dockyard, light-house, custom-house, post-office, or any other public purpose, and can not be acquired by agreement with the owners, the Congress of the United States, exercising the right of eminent domain, and making just compensation to the owners, may authorize such lands to be taken, either by proceedings in the courts of the State with its consent, or by proceedings in the courts of the United States, with or without any consent or concurrent act of the State, as Congress may direct or permit. (Chappell *v.* United States, 160 U. S., 499, 509, and 510. Citing Harris *v.* Elliott, 10 Pet., 25; Kohl *v.* United States, 91 U. S., 367; United States *v.* Jones, 109 U. S., 513; Fort Leavenworth Railroad *v.* Lowe, 114 U. S., 525, 531, 532; Cherokee Nation *v.* Kansas Railway, 135 U. S., 641, 656; Monongahela Navigation Co. *v.* United States, 148 U. S., 312; Luxton *v.* North River Bridge Co., 147 U. S., 337, and 153 U. S., 525; Burt *v.* Merchants' Insurance Co., 106 Mass., 356; United States, Petitioners, 96 N. Y., 227.)

JURISDICTION.

Jurisdiction.—The Congress shall have power * * * "To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of Forts, Magazines, Arsenals, dock-yards and other needful buildings." (Par. 17, Sec. 8, of Art. 1 of Const. U. S.)

Same.—The exclusive jurisdiction in the District of Columbia and in forts, arsenals, etc., is distinct from the concurrent jurisdiction of the national government with that of the State which it has in the exercise of its powers of sovereignty in every part of the United States. (Ex parte Siebold, 100 U. S. Rep., 371.)

President to procure cession of jurisdiction, etc.—The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dock-yards and other needful buildings without such consent having been obtained. (Sec. 1838, U. S. Rev. Stats.)

Where United States can exercise a general jurisdiction.—Special provision is made in the constitution for the cession of jurisdiction from the States over places where the federal government shall establish forts, or other military works. And it is only in these places, or in the territories of the United States, where it can exercise a general jurisdiction. (New Orleans *v.* The United States, 10 Peters, p. 737 of opinion.)

When jurisdiction limited.—When they acquire such lands in any other way than by purchase with the consent of the Legislature, their exclusive jurisdiction is confined to the erections, buildings and land used for the public purposes of the Federal Government. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 525.)

State can not, by use of power to tax, or police power, interfere with power conferred upon Congress by the Constitution.—Neither the unlimited powers of a State to tax, nor any of its large police powers, can be exercised to such an extent as to work a practical assumption of the powers properly conferred upon Congress by the Constitution. (Railroad Company *v.* Husen, 95 U. S., 465.)

Cession permitted by the Constitution of the United States.—The Constitution permits a State to cede to the United States jurisdiction over a portion of its territory. (Benson *v.* The United States, 146 U. S. Rep., 325.)

When conferred by the Constitution.—When the United States acquire lands within the limits of a State by purchase, with the consent of the Legislature of the State, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, the Constitution confers upon them exclusive jurisdiction of the tract so acquired. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 525.)

Jurisdiction over cemeteries.—From the time any State legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by Section eight, Article one, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same. (Sec. 4882, U. S. Rev. Stats.)

Act of Congress powerless to confer—Cession must be by State legislature.—Held, that, notwithstanding the provision in Section 4872, Revised Statutes, that the jurisdiction of the United States over land taken for a national cemetery, by the right of eminent domain, "shall be exclusive," such a jurisdiction, where the land is within a State, can not legally be vested in the United States, except by the cession of the State legislature. In the absence of such cession on the part of the State sovereignty, an Act of Congress must be powerless to confer such an authority. (Digest of Opins. J. A. Genl., p. 527, par. 2, May 18, 1869. See Vol. 13, p. 131, Opins. Attys. Genl., July 29, 1869.)

National cemeteries.—The United States have over lands within a State held for national cemeteries or other public purposes, which were acquired by the former without the consent of the State, or over which the latter has not ceded its jurisdiction, only such jurisdiction as they have over other parts of the State wherein they possess no property interests.

The *mere ownership* of the land does not put the United States in a different position, as regards the matter of jurisdiction over it, than they occupied previous to its acquisition; nor is the situation of the State, with reference to the same matter, in any degree altered thereby. Strictly speaking, therefore, where the United States own land situated within the limits of a State, but over which they have not acquired jurisdiction from the State, they can not be said to have any local jurisdiction over such land. (Vol. 14, p. 557, Opins. Attys. Genl.)

Cession of Federal jurisdiction by States.—In construing the joint resolution of Congress passed September 11, 1841, (5 Stat., 408), it is said: Thus it appears that Congress understood "consent to the purchase" and "cession of jurisdiction" as concurrent, if not identical, facts; and rightfully; for the language of the Constitution is that Congress shall have power "to exercise *exclusive legislation* in all cases whatsoever, over such district, not exceeding 10 miles square, as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise *like authority* over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful public buildings." It is therefore thoroughly settled by numerous adjudications that all such Federal jurisdiction, as the Constitution contemplates, is acquired by the United States, in the mere consent of the State to the purchase; and that upon such consent, the jurisdiction of the State ceases, and that of Congress comes in by virtue of the Constitution. Phrases in legislative acts of the State retaining concurrent jurisdiction for certain purposes do not impair but confer on the United States the whole jurisdiction of the Constitution, that is, rights of Federal legislation coextensive with the subject matter. (Vol. 7, p. 628, Opins. Attys. Genl.)

Cession of jurisdiction in Florida.—The general act of the Florida Legislature, passed June 6, 1855, is a sufficient cession of jurisdiction over land purchased in that State by the Federal Government for public works. (Vol. 9, p. 94, Opins. Attys. Genl.)

NOTE.—The above seems rather broad, as jurisdiction is ceded over lands purchased for such purposes as are named in the act.

How far State laws in force at Old Point Comfort.—The general laws of Virginia, other than criminal, which do not conflict with those of the United States relating to forts, and which do not interfere with the military control, discipline and use of Fortress Monroe, as a Military Post, are in full force at Old Point Comfort. (Crook, Horner & Co. *v.* Old Point Comfort Hotel Company, 54 Fed. Rep., 604.)

When Paragraph 17, Section 8, Article 1, Constitution of the United States applies—Does not apply to land acquired directly from State.—Paragraph 17, Section 8, Article 1, Constitution of the United States, giving the United States exclusive jurisdiction over all places purchased by consent of the legislature of the State in which the same shall be for the erection of forts, arsenals, etc., applies only to lands acquired by actual purchase accompanied by a cession of jurisdiction by the State; and where land is acquired directly from the State as owner by an act of cession (as in the case of Fortress Monroe) the constitutional provision does not apply, and the United States holds the land only as provided in the act of cession. (Ibid.)

Conditional cession ("Point Peter" Case).—The act of the legislature of Georgia approved December 22, 1808, grants jurisdiction to the

United States over all lands then acquired, or which may thereafter be acquired by them, for the purpose of erecting forts or fortifications in that State; but this is coupled with a proviso that "the said United States do or shall cause forts or fortifications to be erected thereon." The proviso may be construed to operate as a condition precedent, which renders it at least doubtful whether the cession of jurisdiction as to any land was intended to take effect *until* the erection of a fort or fortification thereon. (Vol. 18, p. 384, Opins. Attys. Genl.)

Can only be acquired by the United States in mode prescribed by the Constitution.—The right of exclusive legislation within the territorial limits of any state, can be acquired by the United States only in the mode pointed out in the constitution, by purchase, by consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. The essence of that provision is, that the state shall freely cede the particular place to the United States for one of the specific and enumerated objects. (The People against Godfrey, 17 Johnson's Rep., 225, 232.)

NOTE.—The foregoing should not be so construed as to exclude the idea of a statutory cession of jurisdiction. There may be a statutory cession of jurisdiction, as in a case where lands within a State are already owned by the United States. (See Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 525.)

Fort Niagara Case (no cession).—The land on which Fort Niagara is erected, never having been actually ceded by this State to the United States, it still belongs to the State; and its courts have jurisdiction of all crimes or offenses against the laws of the State, committed within that fort, or its precincts; though it has been garrisoned by the troops of the United States, and held by them since its surrender by Great Britain, pursuant to the treaties of 1783, and 1794; for the United States acquired no territory within this State by virtue of those treaties. (Ibid.)

NOTE.—The foregoing decision was rendered in October, 1819. Since then the State Legislature, by an Act passed April 21, 1840, authorized the conveyance of title and cession of jurisdiction, and in accordance with said act the Governor executed a conveyance dated July 8, 1841. (See Fort Niagara.)

Rented lands for camp not within the terms of the Constitution.—Lands rented to the United States to be used temporarily as a camp, is not a place, within the terms of the Constitution of the United States, over which the United States have "sole and exclusive" jurisdiction. (United States *v.* Tierney, 1 Bond, 571, Circuit Court Southern District of Ohio.)

Legislative consent to the purchase by the United States establishes the jurisdiction (Fort Trumbull, Conn., case).—It is not questioned that the land is owned by the United States, or that the purchase was with the consent of the legislature of the State. There is wanting a formal deed of cession which the legislature intended should be executed on the part of the State. Such a formality is not necessary to give jurisdiction. The purchase by the United States, and the consent of the legislature to the purchase, gave to Congress the exclusive power of legislation over the purchased land. (Const., U. S., Art. 1, Sec. 8.) A legislative consent to the purchase could be given either before or after the purchase, and such consent, whenever given, together with the fact of purchase, establishes the jurisdiction of the United States. (Citing 7 Opins. Attys. Genl., 628. Vol. 13, p. 411, Opins. Attys. Genl.)

Of State over navigable waters within its limits.—A State may exercise jurisdiction over navigable waters within its limits and subject

persons and property thereon to the civil and criminal jurisdiction of its courts, in the absence of any prohibition in the National Constitution or laws. (People *v.* Welch, 141 N. Y., 266.)

Constitutional law—Jurisdiction of State courts—When excluded by the action of Congress.—Whenever it is within the power of Congress to legislate, it is competent for it to exclude the jurisdiction of the State courts in respect to all subjects over which legislative action is authorized. To exclude the jurisdiction of State Courts over matters within their ordinary jurisdiction, the intention of Congress to exercise this power should be distinctly manifested, and the legislation relied upon should be clear and unambiguous. There must be express words of exclusion or a manifest repugnancy to the exercise of State authority over the subject. (Ibid.)

Constitutional conditions.—The constitutional conditions are two—purchase by the United States and consent of the legislature of the State. By that consent the State voluntarily and knowingly parts with its jurisdiction. It is not lost on the mere ownership by the United States. (Citing The People *v.* Godfrey, 17 Johnson's Rep., 255, and Commonwealth *v.* Young, Bright's Rep., 302. Vol. 6, p. 577, Opins. Attys. Genl.)

Object and legal effect of State's reservation to serve process.—It is well settled that the sole object and only legal effect of such reservations by the State (such as retaining concurrent jurisdiction for service of process, etc., not incompatible with the grant) is to prevent these places from becoming a sanctuary for fugitives from justice for acts done within the acknowledged jurisdiction of the State. (Ibid.) (Citing United States *v.* Cornell, 2 Mason, p. 60; United States *v.* Davis, 5 Mason, p. 356; Commonwealth *v.* Clary, 8 Mass., p. 72, and Mitchell *v.* Tibbetts, 17 Pickering, p. 298.)

Is conferred by the Constitution upon the Federal Government over lands within a State acquired by purchase.—Exclusive jurisdiction is conferred upon the Federal Government by the Constitution of the United States over land within a State acquired by its purchase with the consent of the State's legislature. The reservation by the State that civil and criminal process of its courts may be served within the limits so acquired, is not incompatible with the exclusive jurisdiction of the Federal Government but is made to prevent such places from becoming sanctuaries for debtors and criminals. (Foley, etc., *v.* Shriver, etc., 81 Va., p. 568. Citing the following: Fort Leavenworth Railroad Company *v.* Lowe, 114 U. S., 525; United States *v.* Cornell, 2 Mason, 60; Commonwealth *v.* Cleary, 8 Mass., 72; Mitchell *v.* Tibbetts, 17 Pickering, 298, and Sinks *v.* Reese, 19 Ohio State Rep., 306.)

Same.—"The National Home for Disabled Volunteer Soldiers," situated within the limits of Elizabeth City County, in this State (Virginia), upon land purchased by the United States with the consent of the State legislature, is a corporation created under the laws of Congress, and is under the exclusive jurisdiction of the Federal Government. Its officers are disbursing officers of the United States, and the funds in their hands as such, can not be attached or garnisheed under process from a State court. (Ibid.)

When grant of power to Congress excludes right of State.—The grant of power to Congress excludes the right of the State over the same subject only where the grant is in express terms an exclusive authority to

the Union, or where the grant to Congress is coupled with a prohibition to the States to exercise the same power, or where the grant to the one would be repugnant to the exercise of a similar authority by the other. (Weaver *v.* Fegely, 29 Pa. State Rep., 27.)

Mere purchase of lands by United States does not oust jurisdiction of State.—The purchase of lands by the United States for public purposes, within the territorial limits of a State, does not of itself oust the jurisdiction or sovereignty of such State over such lands so purchased. (United States *v.* Cornell, 2 Mason, 60, Circuit Court, District of Rhode Island, November Term, 1819.)

Same.—Exclusive jurisdiction is the necessary attendant upon exclusive legislation. (Ibid.)

Consent of State to purchase of lands by the United States carries with it exclusive jurisdiction.—The Constitution of the United States declares that Congress shall have power to exercise "exclusive legislation" in all "cases whatsoever" over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. When, therefore, a purchase of land for any of these purposes is made by the national government, and the State legislature has given its consent to the purchase, the land so purchased by the very terms of the Constitution, ipso facto, falls within the exclusive legislation of Congress, and the State jurisdiction is completely ousted. (Ibid. Reaffirmed June Term, 1820.)

Must be free from interference of State—Exemption from State control essential to the sovereign authority of the United States.—When the United States acquire lands within the limits of a State, with the consent of the legislature of the State, for the erection of forts, arsenals, dock-yards, and other needful buildings, the Constitution confers upon them exclusive jurisdiction of the tract so acquired; but when they acquire such lands in any other way than by purchase with the consent of the legislature they will hold the lands subject to this qualification; that if upon them forts, arsenals or other public buildings are erected for the use of the General Government, such buildings with their appurtenances, as instrumentalities for the execution of its powers will be free from any such interference and jurisdiction of the State as would destroy or impair their effective use for the purposes designed. Such is the law with reference to all instrumentalities created by the General Government. Their exemption from State control is essential to the independence and sovereign authority of the United States within the sphere of their delegated powers. But when not used as such instrumentalities, the legislative power of the State will be as full and complete as over any other places within her limits. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 525, 539.)

When exclusive jurisdiction suspended.—A lease by the United States to a city for market purposes, of vacant land which was a part of land ceded by the State to the United States for the purpose of a navy-yard and naval hospital with a provision that the United States may retain such use and jurisdiction no longer than the premises are used for such purposes, operates, at least while the lease is in force, to suspend the exclusive authority and jurisdiction of the United States over the leased land, and thereby makes it subject to the jurisdiction of State courts in an action of ouster therefrom. (Palmer *v.* Barrett, 166 U. S., 399.)

Of United States over reservations in Territories paramount—To retain exclusive jurisdiction it must be reserved by Congress when admitting such Territory as a State.—Over lands reserved for military or other governmental purposes in the Territories the jurisdiction of the United States is necessarily paramount. When a Territory is admitted as a State it is within the power of Congress to stipulate for the power of exclusive jurisdiction over such reservations, or to exempt them from the jurisdiction of the State. Failing to do this, however, the State can exercise such authority and jurisdiction over them as over similar property held by private individuals; and the United States can acquire exclusive jurisdiction only when the same has been formally ceded by the legislature of the State in which the lands are situated. (Fort Leaven worth R. R. Co. *v.* Lowe, 114 U. S., 525.)

When the United States and State have concurrent jurisdiction.—The same offence may be made punishable both under the laws of the State and of the United States and over such offences the State and federal courts have concurrent jurisdiction. In cases of concurrent jurisdiction the court that first gets control of the subject-matter will continue to exercise jurisdiction until judgment, without molestation or interference from the other; this is the proper course to pursue in criminal as well as civil cases. (United States *v.* Wells, District Court, District of Minnesota, January, 1872.)

How lost and restored.—Jurisdiction over the lands lying within the limits of the military reservation of Fort Leavenworth passed from the United States to the State of Kansas under the operation of the act of June 22, 1861, Chapter 20, admitting that State into the Union; and to restore such jurisdiction to the United States, a cession thereof by the State is necessary. (Vol. 14, p. 33, Opins. Attys. Genl.)

Use of military reservation can not be inquired into upon a question of.—The land claimed by the Secretary of the Interior (part of the Fort Leavenworth Military Reservation) as a portion of the territory allotted to the Delaware tribe of Indians never was a portion of said territory, but was legally reserved by the President for military purposes. (United States *v.* Stone, 2 Wall., p. 525.) In Benson *v.* The United States, the court, after citing above case, say: "The character and purposes of its occupation having been officially and legally established by that branch of the government, which has control over such matters, it is not open to the courts, on a question of jurisdiction, to inquire what may be the actual uses to which any portion of the reserve is temporarily put." (Benson *v.* The United States, 146 U. S. Rep., p. 331 of opinion.)

How far a State may prescribe conditions to the cession of.—A State may cede to the United States exclusive jurisdiction over land within its limits in a manner not provided for in the Constitution of the United States, and may prescribe conditions to the cession, if they are not inconsistent with the effective use of the property for the purposes intended. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S. Rep., 525.

The subject of "Jurisdiction" has been further treated in an article from the pen of Gen. G. Norman Lieber, Judge-Advocate-General, U. S. A., dated September 28, 1897, entitled:

"*Jurisdiction of the United States over places held for public purposes.*—Jurisdiction over territory in a State may be acquired by the United States, under the seventeenth clause of section 8 of article 1 of

the Constitution, by the purchase of such territory, with the consent of the State, 'for the erection of forts, magazines, arsenals, dock-yards and other needful buildings.' The Constitution gives congress the power of exercising exclusive legislation over such place, and this is held to mean exclusive jurisdiction. The State's consent to the purchase for any one of these constitutional purposes invests the United States with exclusive jurisdiction, and the State can not, even by the express language of its legislation, reserve to itself any part of this jurisdiction. (The reservation of the right of serving process for causes of action arising outside such territory is not held to be an actual reservation of a part of the exclusive jurisdiction intended to be vested in the United States.) But it would seem that this is only true when the purchase is for one of the constitutional purposes. By correct construction, 'other needful buildings' would mean buildings of the same character as those specified—buildings intended for military or defensive purposes. A more comprehensive meaning has, indeed, been sometimes given to the expression, but no justification for such construction is found.

"In Pinckney's draft of a constitution there was this clause: 'To provide such dockyards and arsenals and erect such fortifications *as may be necessary for* the United States, and to exercise exclusive jurisdiction therein.' (This draft was submitted May 29, 1787.)

"There was no corresponding provision in the Constitution reported by the committee of detail, August 6, but the committee of eleven, by report of September 5, recommended the adoption of the clause as it now reads, except that it did not have the words, 'by the consent of the legislature of the State.' In the debate on the proposition Mr. Gerry contended that this power might be made use of to enslave any particular State by buying up its territory, and that the *strongholds proposed* would be a means of awing the State into an undue obedience to the general government. Mr. King thought himself the provision unnecessary, the power being already involved; but would move to insert, after the word 'purchased,' the words 'by the consent of the legislature of the State.' This would certainly make the power safe. (5 Elliot's Debates, 511.)

"And in the Federalist (No. 43) it is said: 'Nor would it be proper for the places on which the *security* of the entire Union may depend to be in any degree dependent on a particular member of it.'

"So Story says (section 1224): 'The other part of the power, giving exclusive legislation over places ceded for the erection of forts, magazines, etc., seems still more necessary for the public convenience and safety. The public money expended on such places, and the public property deposited in them, and the nature of the military duties which may be required there, all demand that they should be exempted from State authority. In truth, it would be wholly improper that places on which the security of the entire Union may depend should be subject to the control of any member of it. The power, indeed, is wholly unexceptionable, since it can only be exercised at the will of the State; and therefore it is placed beyond all reasonable scruple. Yet it did not escape without the scrutinizing jealousy of the opponents of the Constitution, and was denounced as dangerous to State sovereignty.'

"And, as observed by Judge Seaman (In re Kelly, 71 Fed. Rep., 545, 549):

"'The rule thus stated, whereby legislative consent operates as a complete cession, is applicable only to objects which are specified in the above provision, and can not be held to so operate, ipso facto, for objects not expressly included therein. Whether it rests in the discre-

tion of Congress to extend the provision to objects not specifically enumerated, although for national purposes, upon declaration as "needful buildings," and thereby secure exclusive jurisdiction, is an inquiry not presented by this legislation (see 114 U. S., 541); and I think it can not be assumed by way of argument that such power is beyond question. In New Orleans *v.* United States (10 Pet., 662, 737) the opinion of the Supreme Court is expressed by Mr. Justice McLean, without dissent, as follows:

"'"Special provision is made in the Constitution for the cession of jurisdiction from the States over places where the Federal government shall establish forts or other military works. And it is only in these places, or in the territories of the United States, where it can exercise a general jurisdiction."'

"And in United States *v.* Bevans (3 Wheat., 336, 390) the claim was urged that the words 'other place' would include a ship of war of the United States lying at anchor in Boston harbor, and bring it within the statute defining murder committed 'within any fort, arsenal, dockyard, magazine, or in any other place or district of country under the sole jurisdiction of the United States;' but it was stated by the court, through Chief Justice Marshall, that 'the construction seems irresistible that by the words "other place" was intended another place of a similar character with those previousiy enumerated;' that 'the context shows the mind of the legislature to have been fixed on territorial objects of a similar character.' (See, also, The Federalist, No. 43, by Madison.)

"Section 355 of the Revised Statutes prescribes that no public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other building, of any kind whatever, until the * * * consent of the legislature of the State in which the land or site may be, to such purchase, has been given. This section is in part based on the clause of the Constitution referred to, and in part not. The consent of the State to a purchase, given in order to satisfy the requirement of this section, would invest the United States with exclusive jurisdiction, if the purchase be for one of the constitutional purposes; but the section provides for other purposes also, and as to these it would seem that a simple consent to the purchase (assuming that such consent, being for a purpose not falling under the clause of the Constitution, amounts to a cession of jurisdiction) would only carry with it so much jurisdiction as would be necessary for the purpose of the purchase. Probably this would be held to be concurrent jurisdiction. Taking into consideration the fact that States can not, under any circumstances, interfere with the instrumentalities of the government of the United States, it may, indeed, be questioned whether, even under this view, unnecessary precautions have not been taken in regard to the acquisition of jurisdiction; and certainly it can not be presumed that a State intends to part with more of its sovereignty than is necessary. A consent to the purchase, under section 355, Revised Statutes, if the purchase be for other than one of the purposes described in the clause of the Constitution, may, therefore, be accompanied with any limitations not interfering with an instrumentality of the government of the United States.

"The most common way of acquiring jurisdiction, however, is by the State's expressly ceding it to the United States. In such case the State may make similar limitations, and this even if the place be used by the United States for one of the purposes mentioned in the clause of the

Constitution. To bring the case under the clause there must be a purchase with consent. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 539; Chicago and Pacific Ry. Co. *v.* McGlinn, 114 U. S., 549; Benson *v.* U. S., 146 U. S., 331; in re Kelly, 71 Fed. Rep., 545; in re Ladd, 74 Fed. Rep., 399.)"

Award — Submission not binding unless authorized by act of Congress.—No officer of the United States has authority to enter into a submission in their behalf, which shall be binding on them, unless the power is given by a special act of Congress. (United States *v.* Ames, Circuit Court, Dist. of Mass., Oct. Term, 1845; 1 Woodb. and M. Circuit Court Reports, 1st Circuit.)

Same—Can not be pleaded in bar of an action of trespass unless authorized by Congress.—The United States had machinery in operation, carried by water, on land which had been sold to them, and over which jurisdiction had been ceded to them by the State of Massachusetts. A owned mills above and below them on the same stream, and the dam of each party flowed back so as to obstruct the other. A submission of the matters in dispute was entered into by A on the one part and by the District Attorney, authorized by the Solicitor of the Treasury, or War Department, on the other part, but without any authority from Congress; and an award was made thereon, prescribing the height of the dam. The United States afterwards brought an action of trespass against A for flowing their land. He pleaded a special bar of the award, alleging that he had complied with its terms. On general demurrer *it was held* that the special plea could not be sustained. (Ibid.)

When State legislature can not interfere with exercise of exclusive jurisdiction by Congress.—Whenever the terms in which a power is granted by the Constitution or the nature of the power itself, requires that it should be exercised exclusively by Congress, State legislature can not interfere. (Sturgis *v.* Crowninshield, 4 Wheat., 122.)

Effect of reservation of concurrent jurisdiction by State to serve process.—Where a State grants land to the general government, reserving to it a concurrent jurisdiction in executing process therein, for offences committed out of it, the federal courts have exclusive jurisdiction of offences committed within such territory. (United States *v.* Travers, Cir. Court, Dist. of Mass., 1 Brun. Col. Cas., 467; 2 Wheel. Crim. Cases, 490. See United States *v.* Penn., 48 Fed., 670.)

The lex rei sitæ governs when no cession by State, except when in conflict with the Constitution, treaties, or statutes of the United States.—When the United States own land, situated within the limits of particular States, and over which they have no cession of jurisdiction, for objects either special or general, the rights and remedies in relation to it are usually such as apply to other landowners within the State, and the *lex rei sitæ* will govern; except where the Constitution, treaties or Statutes of the United States, otherwise require and provide. (United States *v.* Ames, Circuit Court, District of Mass., Oct. Term, 1845; 1 Woodb. and M. Circuit Court Reports, 1st Circuit.)

The Territory belonging to the United States over which jurisdiction has been ceded, subject to laws of Congress and not to those of State—Exception.—The territory belonging to the United States, not situated within the limits of any State, is subject to the laws of Congress. That within such limits, but over which jurisdiction has been ceded to the United States, and which is used for exclusive and constitutional objects, is likewise subject to said laws, and not to those of the State, except

when they were enacted before the cession of jurisdiction and do not conflict in any degree with what has been required or provided by the general government. (Ibid.)

When United States may resort to common law or laws of States for injuries to public property.—The United States, in cases when Congress has not provided any or adequate remedies for injuries to public property, may resort to those of common law origin, or those provided by the law of the several States. (Ibid.)

Same.—But in places over which jurisdiction has been ceded to the United States the State laws can not be permitted to thwart or embarrass the object of the cession. (Ibid.)

Case in point.—It seems the laws of Massachusetts respecting flowage do not apply to the case of machinery used by the United States for public purposes, in a place over which jurisdiction has been ceded to the United States, so as to authorize a mill owner to flow back in a way to impair in any degree the use of the machinery. (Ibid.)

State courts can not take cognizance of offences committed upon lands belonging to the United States purchased with consent of State.—The Courts of the Commonwealth can not take cognizance of offences committed upon lands in the town of Springfield, which have been purchased by the United States for the purpose of erecting arsenals, etc., to which the consent of the Commonwealth was granted by the Statute of 1798, Chapter 13. (Commonwealth *v.* Clary, 8 Mass., 72.) The Chief Justice, in delivering the opinion of the court, said: "We are of opinion that the territory, on which the offence charged is agreed to have been committed, is the territory of the United States, over which the Congress have the exclusive power of legislation. The assent of the commonwealth to the purchase of this territory by the United States, had this condition annexed to it—that civil and criminal process might be served therein by the officers of the Commonwealth. This condition was made with a view to permit the territory from becoming a sanctuary for debtors and criminals; and from the subsequent assent of the United States to the said condition, evidenced by their making the purchase, it results that the officers of the Commonwealth, in executing such process, act under the authority of the United States. No offences committed within that territory, are committed against the laws of this Commonwealth; nor can such offences be punishable by the courts of the Commonwealth unless the Congress of the United States should give to the said courts jurisdiction thereof. * * * An objection occurred to the minds of some members of the court that if the laws of the Commonwealth have no force within this territory, the inhabitants thereof can not exercise any civil or political privileges, under the laws of Massachusetts, within the town of Springfield. We are agreed that such consequence necessarily follows, and we think that no hardship is thereby imposed on those inhabitants; because they are not interested in any elections made within the State, or held to pay any taxes imposed by its authority, nor bound by any of its laws. And it might be very inconvenient to the United States to have their laborers, artificers, officers, and other persons employed in their service, subjected to the services required by the Commonwealth of the inhabitants of the several towns. It will be noticed that in this decision we make a distinction between persons who actually dwell within the territory owned by the United States, and the laborers and artificers employed therein, who have their dwelling elsewhere."

Reservation to serve process by State operates as a condition of the grant.—It seems that a reservation on a cession of concurrent jurisdiction to serve process, civil and criminal, in the ceded place, does not exclude the exclusive legislation or exclusive jurisdiction of the United States over the ceded places. It merely operates as a condition of the grant. (United States *v.* Davis, 5 Mason, 356, Circuit Court, Eastern District, Mass.)

Liquor or beer introduced at a military post situated upon an Indian Reservation over which United States have exclusive jurisdiction not subject to operation of State laws.—Where certain beer, alleged to be intoxicating, was attempted to be introduced at the post of Fort Yates, situated upon an Indian Reservation in North Dakota, exclusive jurisdiction over which is vested in the United States, *held*, that the admission or sale of such liquor would be an offense against the United States, not against the state, since the Act of August 8, 1890, providing that intoxicating liquor shipped into a state shall be subject to the operation of the state laws as soon as it enters the territory of the state, can not apply to a district over which the United States has exclusive jurisdiction, and therefore that the state authorities would not be empowered to make a *seizure* of such beer. (Digest Opins. J. A. Genl., p. 687, par. 1.)

Grant of right of way across military reservation does not oust exclusive jurisdiction.—Held, that the Act of Congress granting to the West Shore Railroad Company a right of way across a part of the military reservation at West Point, N. Y., did not operate to oust, as to such way, the exclusive jurisdiction over the reservation previously ceded by the State to the United States. It simply imposed upon the military authorities the duty of not interfering with the legitimate use of its right by the railroad company. (Ibid, p. 221, par. 13.)

Consent to purchase may be given by general act of the State.—A State may give consent by one general Act, prospective in terms and covering all future purchases by the United States. (Vol. 15, p. 480, Opins. Attys. Genl.)

Evidence—Record books inadmissible to prove cession.—Where the statutes of a State provide that certain copies or certificates of archives of the State department shall be received in evidence in all cases in which the originals would be evidence, an original record book of a County in which the cession of lands to the United States for a fort has also been recorded is not admissible in evidence to establish such cession. (Lasher *v.* The State, 30 Texas Appeals, 387.)

Of State courts over crimes committed in places ceded to the United States.—When a State cedes to the United States lands for forts, etc., reserving concurrent jurisdiction to serve State process, civil and criminal, in the ceded places, such reservation merely operates as a condition of the grant, and does not defeat the exclusive jurisdiction of the United States over such place, and the State courts have no jurisdiction of crimes committed therein. (Ibid.)

Judicial notice taken of cession of portion of territory of State.—The cession of a portion of the territory of a State to exclusive foreign jurisdiction and control is one of the highest acts of sovereignty affecting the people of the State at large, and courts of the State will take judicial knowledge of the fact of cession, and that crimes committed

within the ceded territory are beyond the jurisdiction of the State courts. (Ibid.)

Effect of cession by State—New restrictions.—An act of the legislature of a State ceding to the United States the jurisdiction of the State over a tract of land used as a military reservation, upon condition that such jurisdiction shall continue only so long as the United States shall own and occupy such reservation; that the State shall have the right, within the reservation, to serve civil process, and to execute criminal process against persons charged with crime committed within the State; and that roads may be opened and kept in repair within such reservation, cedes to the United States the entire political jurisdiction of the State over the place in question, including judicial and legislative jurisdiction, except as to service of process and opening of roads, and the same can not be affected or further limited, without the consent of the United States, by a subsequent act of the State legislature attempting to impose additional restrictions on the jurisdiction ceded. (In re Ladd, United States Circuit Court, District of Nebraska, May 7, 1896.)

Judicial officers.—After such cession a Justice of the Peace, acting under authority of the State, has no jurisdiction over the ceded territory in matters of alleged criminal violation of the laws of the State committed on such territory. (Ibid.)

Civil and criminal laws.—While, after such cession, the municipal laws of the State governing property and property rights continue in force in the ceded territory, except so far as in conflict with the laws and regulations of the United States applying thereto, the criminal laws of the State ceases to be of force within the ceded territory, and laws regulating the sale of intoxicating liquors, requiring a license therefor, and punishing unlicensed sales, cease to be operative, both as in conflict with the regulations of the United States governing military reservations and as penal in their character. (Ibid.)

Cession of, when United States can not accept.—The United States can not accept a cession of jurisdiction from a State coupled with a condition that crimes committed within the limits of the jurisdiction ceded, shall continue to be punishable by the courts of the State for the reason that such a reservation, or condition, is distinctly incompatible with the provisions of the penal acts of Congress, and would obstruct, if not defeat, the execution of those acts, and also, because such condition is inconsistent with any possible construction of that "exclusive" jurisdiction, which, according to the letter and intent of the Constitution, are in such cases, to be vested in the United States. (Vol. 8, p. 418, Opins. Attys. Genl.)

Of State—When it ceases—Status of inhabitants of ceded places—Effect of no cession by State.—The States can not take cognizance of any acts done in the ceded places after the cession; and, on the other hand, the inhabitants of those places cease to be inhabitants of the State and can no longer exercise any civil or political rights under the laws of the State. But if there has been no cession by the State of the place, although it has been constantly occupied and used, under purchase, or otherwise, by the United States for a fort, arsenal, or other constitutional purpose, the State jurisdiction still remains complete and perfect. (Story on the Constitution, Vol. 2, Sec. 1227.)

Jurisdiction, when vests in the United States.—"Exclusive Legislation" signifies exclusive jurisdiction; and this follows even although

the legislature of the State, in its act assenting to the purchase, have not expressly ceded such jurisdiction. It vests in the United States by virtue of the Constitution. (Sergeant's Constitutional Law, 350, cited in Vol. 6, p. 577, Opins. Attys. Genl.)

When express terms ceding "Exclusive" jurisdiction must be used.—It appears indisputable that all State jurisdiction is not excluded from every parcel of land purchased by the general government in a State with legislative consent, irrespective of its use; and, therefore, that if the purpose is not one of those distinctly named in the clause of the Constitution, the act of Congress which provides for the purchase and requires the legislative consent must, in some unequivocal terms, declare that exclusive jurisdiction is intended and necessary for the proposed use, or at least the purpose stated must be one of which it is manifest that any exercise of co-ordinate or other jurisdiction would be incompatible therewith. (In re Kelly, Circuit Court, Eastern District of Wisconsin, Dec. 27, 1895, 71 Fed. Rep., 545.) Decides, also, that the clause of the Constitution upon which the Ohio (Sinks *v.* Reese, 19 Ohio State, 306) and Virginia (Foley *v.* Shriver, 81 Virginia, 568) decisions mainly rest their view of the State enactments, respectively, is not applicable to this Wisconsin case and can not be invoked to exclude the exercise of State jurisdiction, citing the following: United States *v.* Bevans, 3 Wheaton, 336; New Orleans *v.* United States, 10 Peters, 662, 737; Fort Leavenworth Railroad Company *v.* Lowe, 114 U. S., 525; Railroad Company *v.* McGlinn, 114 U. S., 542; People *v.* Godfrey, 17 Johnson, 225; Crook, Horner & Co. *v.* Old Point Comfort Hotel Company, 54 Fed. Rep., 604.

Of State courts over trespasses committed on land ceded to the United States.—When Congress has made no new regulations touching the administration of justice in civil cases with respect to actions arising within territory which a State has ceded to the Federal government for the purpose of a Navy-Yard, the laws of the State in force at the time of the cession, and the jurisdiction of its courts in regard to private rights and remedies, remain unchanged and unaffected by the act of cession. (Barrett *v.* Palmer, 135 N. Y., p. 336.)

Status of persons residing on ceded places.—Persons residing on places so ceded are, in many respects, exterritorialized, so as not to be subject to personal taxation by the State, not to acquire a pauper settlement therein, not to be entitled to its public schools, nor to the enjoyment of its elective franchise. Of course the *property* of the United States in such places is not subject to the jurisdiction of the State. Such ceded lands within a State are not to be made places of refuge from its civil or criminal jurisdiction, or of escape from civil obligations due to any of its inhabitants. (Vol. 7, p. 628, Opins. Attys. Genl.)

Same.—It was held that the persons in the employment of the United States actually residing in the limits of the Armory at Harper's Ferry do not possess the civil and political rights, nor are they subject to the tax and other obligations, of citizens of the State of Virginia. (Vol. 6, p. 577, Opins. Attys. Genl.)

Residents on military reservations, where jurisdiction has been ceded, not entitled to privileges of public schools, but must pay for tuition if availed of, if charge is made by local authorities.—Residents on a military reservation over which exclusive jurisdiction has been ceded by the State to the United States are not entitled to the use of the public schools, nor can they legally be taxed for their support. But if allowed

to avail themselves of such schools, and they send their children to them, they can not avoid paying such charge as the local authorities may impose in regulating admissions. Thus *held* that officers stationed at Fort Trumbull, Conn., were not exempt from paying the fee exacted by the City of New London in cases where parents elect to send their children to a school in a district different from that in which they reside. (*Digest of Opins. J. A. Genl.*, pp. 221, 222, par. 15.)

Same.—Status of persons residing on territory purchased by the United States with consent of the legislature of the State.—By becoming a resident inmate of the asylum, (Soldiers' Home), a person though up to that time he may have been a citizen and resident of Ohio, ceases to be such; he is relieved from any obligation to contribute to her revenues, and is subject to none of the burdens which she imposes upon her citizens. He becomes subject to the exclusive jurisdiction of another power as foreign to Ohio as is the State of Indiana or Kentucky or the District of Columbia. The Constitution of Ohio requires that electors shall be residents of the State; but under the provisions of the Constitution of the United States, and by the consent and act of cession of the legislature of this State, the grounds and buildings of this asylum have been detached and set off from the State of Ohio, and ceded to another government, and placed under its exclusive jurisdiction for an indefinite period. We are unanimously of the opinion that such is the law, and with it we have no quarrel; for there is something in itself unreasonable that men should be permitted to participate in the government of a community, and in the imposition of charges upon it, in whose interests they have no stake, and from whose burdens and obligations they are exempt. (John F. Sinks *v.* David W. Reese, 19 Ohio St. Rep., 316, citing Commonwealth *v.* Clary, 8 Mass., 72, and other authorities.)

NOTE.—It would seem that the Congress recognized the force of the decision in Sinks *v.* Reese, supra, by the passage of an Act approved January 21, 1871, wherein jurisdiction was ceded to the State of Ohio and relinquished by the United States (16 Stat., 399). But see In re O'Conner (37 Wis., 379) and In re Kelly (Circuit Court Eastern Dist. Wisconsin Dec. 17, 1895), where jurisdiction having been ceded by the State Legislature of Wisconsin in almost the same language, it was held, that the criminal laws of the United States which apply only to places within their exclusive jurisdiction are not operative, the lands not having been acquired for any of the purposes specified in the Constitutional provision.

Status of persons residing on military reservations.—The House of Representatives of Massachusetts submitted the following questions to the Justices of the Supreme Judicial Court:

1. Are persons residing on lands purchased by, or ceded to the United States, for navy-yards, arsenals, dock-yards, forts, light-houses, hospitals, and armories, in this Commonwealth entitled to the benefits of the State common schools for their children, in the towns where such lands are located?

2. Does such residence exempt such persons from being assessed for their polls or estate, in the towns in which such places are located?

3. Will such residence for the requisite length of time give such persons or their children a legal inhabitancy in such towns, or in the Commonwealth?

4. Are persons so residing entitled to the elective franchise in such towns?

The Court in discussing the questions say: The Constitution of the United States, Article 1, Section 8, provides that Congress shall have power to exercise exclusive legislation in all cases whatsoever, over all places purchased by the consent of the legislature of the State in which

the same shall be for the erection of forts, magazines, arsenals, dock-yards and other needful buildings. The jurisdiction in such cases is put upon the same grounds as that of the district ceded to the United States for the seat of government, and, unless the consent of the several States is expressly made or limited by the act of cession, the exclusive power of legislation implies an exclusive jurisdiction; because the laws of the several States no longer operate within those districts. They were of opinion that where the general consent of the Commonwealth is given to the purchase of territory by the United States, for forts, and dock-yards, and where there is no other condition or reservation in the act granting such consent, but that of a concurrent jurisdiction of the State for the service of civil process, and criminal process against persons charged with crimes committed out of such territory—the Government of the United States have the sole and exclusive jurisdiction over such territory, for all purposes of legislation and jurisprudence, with the single exception expressed, and consequently, that no persons are amenable to the laws of the Commonwealth for crimes and offences committed within said territory, and that persons residing within the same do not acquire the civil and political privileges, nor do they become subject to the civil duties and obligations of inhabitants of the towns within which such territory is situated. The Court, applying the opinion above stated, answered the questions categorically as follows:

1. We are of opinion that persons residing on lands purchased by, or ceded to, the United States for navy-yards, forts and arsenals, when there is no other reservation of jurisdiction to the State, than that above mentioned, are not entitled to the benefits of the common schools for their children, in the towns in which such lands are situated.

2. We are of opinion that such residence does exempt such persons from being assessed for their polls and estates to State, county and town taxes, in the towns where such places are situated.

3. Understanding as we do, by the terms of this question, that the term "legal inhabitancy" is used synonymously with "legal settlement," for the purpose of receiving support under the laws of this Commonwealth for the relief of the poor, we are of opinion that such residence, for any length of time will not give such persons or their children a legal inhabitancy in such town.

4. We are also of opinion that persons residing in such territory do not thereby acquire any elective franchise as inhabitants of the towns in which such territory is situated. (See 1 Metcalf's Rep., p. 580.)

Defective cession of.—Where a State's consent to the purchase of land by the United States provides that the State shall forever retain concurrent jurisdiction over any such place to the extent that all *legal and military* process issued under the authority of the State may be executed anywhere on such place or in any building thereon or any part thereof, and that any offence against the laws of the State, committed on such place, may be tried and punished by any competent Court or Magistrate of the State, it does not satisfy the provisions of Section 355, Revised Statutes. (Vol. 20, p. 611, Opins. Attys. Genl.)

State courts—Lands owned by Federal Government.—Constitution of the United States, Article 1, Section 8, subdivision 17, providing that "Congress shall have power to execute exclusive legislation in all cases wheresoever * * * over all places purchased" from a State, does not deprive the State courts of jurisdiction to try actions arising from civil wrongs committed by private persons in such places.—Madden *v.* Arnold, 47 New York Supp.; Nov. 10, 1897.

The foregoing case of Madden *v.* Arnold is discussed by General G. Norman Lieber, Judge-Advocate-General, United States Army, in the American Law Review (Vol. 32, No. 1, January and February, 1898), in the following article:

"*Cession of Jurisdiction by States to the United States.*—The recent case of Madden *v.* Arnold, in the appellate division of the Supreme Court of New York, materially helps to explain the relation of a State to the United States as to its jurisdiction over causes of action, other than criminal, arising within the territory jurisdiction over which has been ceded by it to the United States. It is only within recent years that this subject has been placed in its true light, the leading case being Fort Leavenworth R. R. Co. *v.* Lowe (114 U. S., 539). This case was followed by Chicago and Pacific Ry. Co. *v.* McGlinn (114 U. S., 549), Benson *v.* U. S. (146 U. S., 331), In re Kelly (71 Fed. Rep., 545), In re Ladd (74 Fed Rep., 399), Palmer *v.* Barrets (162 U. S., 399), and now by Madden *v.* Arnold (47 N. Y. Suppl., 757).

"By the Constitution, the United States are invested with the power of exclusive legislation (jurisdiction) over all places purchased by the consent of the State in which they are, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. When a place is purchased with the consent of the State, for one of the specified purposes, this carries jurisdiction with it. Precisely what would be included under the head of 'other needful buildings' is not clear, but it would seem that originally buildings of the same character as those mentioned were intended—that is, buildings for military or defensive purposes. (Story Const., Sec. 1224.) There could not be coupled with such a consent to purchase, a condition which would be inconsistent with the exclusive jurisdiction of the United States.

"But when jurisdiction over territory in a State is obtained, not by the purchase with consent, but by express cession of jurisdiction, this, being different from the constitutional method, may be accompanied with conditions, even though the territory be acquired for one of the purposes mentioned. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S., 539; Benson *v.* U. S., 146 U. S., 331.)

"Maddin *v.* Arnold makes clear the right of the States to try actions arising from civil wrongs committed by private persons in such places. In this case the plaintiff sought to recover damages against the defendant for injuries inflicted on him by a vicious dog, on land purchased by the United States, and over which the legislature of New York had ceded jurisdiction, for the purpose of erecting and maintaining thereon an arsenal, magazine, dock-yards, and other necessary buildings; reserving to the State concurrent jurisdiction with the United States so far as, that civil process in all cases, and such criminal process as might be issued under authority of the State of New York against any person charged with crimes committed without the ceded district, might be executed therein. It was urged by the defendant that the State court had no jurisdiction, in an action for damages for an injury sustained within the territory purchased by the United States, and jurisdiction over which had been ceded by the State under the provisions of article 1, section 8, clause 17, of the national constitution.

"The court (the Supreme Court of New York, appellate division) holds that Congress has the power to provide by statute for the enforcement of civil rights in such ceded territory, and for the recovery of damages for injuries sustained therein, in civil actions; but that the question for it to decide was whether, in the absence of such legislation, the courts of New York are deprived of jurisdiction for an injury to a citizen,

such as the plaintiff sustained, committed within the State, in territory over which jurisdiction had thus been ceded to the United States. The place where the plaintiff was injured was acquired by the United States, by purchase, for the purpose of an arsenal, and ever since has been used as such, and the State of New York ceded exclusive jurisdiction over the territory to the United States. Hence, under the provisions of the national constitution, Congress has power to exercise exclusive legislation therein in all cases whatsoever. (The court evidently regarded the purchase, together with the cession of jurisdiction, in this case, as amounting to a purchase with the consent of the State, under the terms of the Constitution.) But, say the court, although the injury to recover damages for which the plaintiff brought the action was sustained on land over which the national government had exclusive jurisdiction, it had no more exclusive jurisdiction over such territory than the respective legislatures of the neighboring States of Massachusetts, Pennsylvania, or Ohio have over their respective territories, and had the injury occurred within the limits of either of said States an action could have been maintained in the Supreme Court of New York to recover damages therefor. If an action can be maintained in the courts of New York by a citizen thereof, for a personal injury suffered in another State or country, there is no good reason why such an action can not be maintained when the injury was committed in the State of New York, on land, jurisdiction over which had been ceded to the United States. Assuming that the place where the plaintiff was injured, being within the exclusive jurisdiction of the United States, was in fact like a foreign territory, not within any jurisdiction of the State of New York, the plaintiff might maintain an action for a personal injury sustained in such place.

"This decision shows the necessity of distinguishing between criminal and civil actions in the matter of cession of jurisdiction, the one being territorial and the other nonterritorial as to the cause of action, so far as relates to jurisdiction. Cessions of jurisdiction from the State to the United States, in language like that used in the Fort Leavenworth cession, is misleading, the language referred to being as follows: 'Saving, however, to the said State the right to serve civil or criminal process within said Reservation, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said cession and reservation.' This places the civil action on the same footing with the criminal action, for which there appears to be no reason.

"It would seem, indeed, that we have been quite misled as to the necessity of cession of jurisdiction to the United States. The constitutional provision, Article I, Section 8, clause 17, was apparently adopted with the understanding that the United States could not acquire land in a State without the consent of the State. It would seem to have been the opinion of the framers of the constitution, said Justice Field in the Fort Leavenworth Railroad case, that without the consent of the States, the new government would not be able to acquire lands within them; and therefore it was provided that, when it might require such lands for the erection of forts and other buildings for the defense of the country, or the discharge of other duties devolving upon it, and the consent of the State in which they were situated was obtained for their acquisition, such consent should carry with it political dominion and legislative authority over them.

"Whatever we may think of the sufficiency of the reason for placing forts and other buildings for the defense of the country under the

exclusive jurisdiction of the United States, when we consider that the instrumentalities of the government of the United States are free from control by any State authority, there would seem to be no good reason for extending the constitutional provision beyond the apparent meaning of its language. The Fort Leavenworth Railroad case is authority for holding that when jurisdiction is acquired by the United States by cession, and not by purchase with consent, the cession may be accompanied with reservations of jurisdiction, even though the territory be used as a military post or fort. In that case there was a reservation of the right to tax railroad, bridge, and other corporations, their franchises and property.

"Section 355 of the Revised Statutes prescribes that no public money shall be expended upon any site or land purchased by the United States for the purpose of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other building of any kind whatever, until the consent of the State in which the land or site may be to such purchase has been given. Under this section money can not be expended on structures for river and harbor improvement, even until jurisdiction over the site has been obtained by the United States; for it is held that what is here meant is that there must be a cession of jurisdiction. This certainly is carrying the matter to an extreme. What good reason can be given for it? The instrumentalities of the government of the United States can not be interfered with. Why, then, take from the jurisdiction of the States those numerous localities within their limits?"

How long and for what purposes the municipal laws of the State continue in force after cession of jurisdiction to the United States.—It is a general rule of public law, recognized and acted upon by the United States, that whenever political jurisdiction and legislative power over any territory are transferred from one nation or sovereign to another, the municipal laws of the country, that is, laws which are intended for the protection of private rights, continue in force until abrogated or changed by the new government or sovereign. By the cession public property passes from one government to the other, but private property remains as before, and with it those municipal laws which are designed to secure its peaceful use and enjoyment. As a matter of course, all laws, ordinances, and regulations in conflict with the political character, institutions, and constitution of the new government are at once displaced. Thus upon a cession of political jurisdiction and legislative power—and the latter is involved in the former—to the United States, the laws of the country in support of an established religion, or abridging the freedom of the press, or authorizing cruel and unusual punishments, and the like, would at once cease to be of obligatory force without any declaration to that effect; and the laws of the country on other subjects would necessarily be superseded by existing laws of the new government upon the same matters. But with respect to other laws affecting the possession, use and transfer of property, and designed to secure good order and peace in the community, and promote its health and prosperity, which are strictly of a municipal character, the rule is general, that a change of government leaves them in force until, by direct action of the new government, they are altered or repealed. (Chicago and Pacific Railway Company *v.* McGlinn, 114 U. S. Rep., 542. See also The American Insurance Co. *v.* Canter, 1 Pet., 542.)

Effect of qualified cession of jurisdiction by State.—Where a State statute, in consenting to the purchase by the United States of land

within the State and ceding to the United States jurisdiction over the same, adding that such jurisdiction should be exercised "concurrently with" the State, *Held*, that this qualification was subject to the objection that it amounted to more than the mere reservation (not unfrequent,) of the right to serve upon the land legal process for crimes committed *outside* of the same, and should therefore be regarded as inconsistent with a grant of exclusive jurisdiction to the United States over such land; (citing United States *v.* Cornell, 2 Mason, 60; United States *v.* Davis, 5 Id., 356; 6 Opins. Attys. Genl., 578; 7 Id., 634; 8 Id., 30, 102, 417; 20 Id., 242, 298, 611), *further* that it so far qualified the consent given to the purchase as to make it at least doubtful whether, in view of the provisions of Section 355, Revised Statutes, the Secretary of War would be authorized to expend an appropriation which had been made by Congress for the erection of public buildings on the land. (Digest of Opins. J. A. Genl., p. 217, par. 3.)

Effect of reserving right to execute process within and upon lands.—But where a State statute, in ceding jurisdiction to the United States over certain lands purchased within the State by the authority of Congress as sites for public structures, added "But the State reserves the right to execute process lawfully issued under its authority within and upon said sites," etc., *advised* that such reservation might properly be regarded as having the same effect as that indicated by Attorney-General Cushing in 8 Opinions, 387, viz., as reserving merely the right to serve process *within* the lands for crimes committed *without* the same (so as to prevent them from becoming an asylum for fugitives from justice), and that the cession might therefore properly be accepted as sufficiently vesting in the United States the exclusive jurisdiction over the premises contemplated by the Constitution. (Ibid., pp. 217, 218, par. 4.)

Effect of reservation by Congress upon admitting Territory as a State.—When an act admitting a State into the Union, or organizing a Territorial government, provides that the lands in possession of an Indian tribe shall not be a part of such State or Territory, the new government has no jurisdiction over them. (Langford *v.* Monteith, 102 U. S., 145.) For an example of such a reservation on the part of Congress in the admission of a State into the Union, see the act of July 10, 1890, (26 Stat. L., 222), admitting the State of Wyoming.

"Cession of jurisdiction" and a "consent to purchase," effect of each—Consent to purchase coupled with inconsistent condition can not legally be accepted by the United States.—A *cession of jurisdiction* by a State to the United States may be qualified or conditional, and cedes only so much as is specifically expressed. (Citing Fort Leavenworth R. R. Co. v. Lowe, 144 U. S., 525.) But a *consent to purchase*, as the term is intended in the constitutional provision (Art. 1, Sec. 8, par. 17), conveys the whole or an exclusive jurisdiction. So, where a State legislature in giving the consent to a purchase for a constitutional purpose, couples with it a condition or qualification inconsistent with the possession of an exclusive jurisdiction by the United States,—as a condition that the State shall retain the same civil and criminal jurisdiction over persons and their property on the land that it has over other persons and property in the State—or shall retain the right to tax persons living on the land and their property,—*Held*, that the jurisdiction is not such as is designed by the Constitution and can not legally be accepted by the United States. (Citing Vol. 8, Opins. Attys. Genl., 121.) (*Digest Opins. J. A. Genl.*, p. 219, par. 6.)

Recession of jurisdiction not necessary when military reservation abandoned.—*Held*, that there was no occasion for a statutory provision ceding back, or requiring the ceding back of jurisdiction, by the United States, to the State, when a military reservation was abandoned and turned over to the Interior Department under the Act of July 5, 1884. Such provision has sometimes appeared, as in the Act of Congress of March 3, 1819, ("authorizing the sale of certain military sites"), as also in some of the State Acts ceding jurisdiction, in which the grant is expressly limited to the period during which the premises may be held for public uses by the United States. But such provisions are deemed unnecessary, the jurisdiction ceasing of itself with the use and occupation of the land for the purposes for which it was granted. It is believed to be clearly inferable from the clause on the subject in the Constitution, (Art. 1, Sec. 8, par. 17), that the State relinquishes its jurisdiction only for such term as the particular status subsists in contemplation of which it was ceded. (*Digest Opins. J. A. Genl.*, p. 222, par. 18.)

TAXATION.

State can not assume powers conferred upon Congress by the Constitution.—Neither the unlimited powers of a State to tax, nor any of its large police powers, can be exercised to such an extent as to work a practical assumption of the powers properly conferred upon Congress by the Constitution. (Railroad Company *v.* Husen, 95 U. S., 465.)

Taxation.—No State has the power to tax the property of the United States within its limits. (Wisconsin Railroad Company *v.* Price County, 133 U. S., 496.)

Property of the United States exempt from State taxation.—Property of the United States is exempt by the Constitution of the United States from taxation under the authority of a State. (Van Brocklin et al. *v.* State of Tennessee et al., 117 U. S., 151.)

Lands purchased by United States at tax sale exempt while held by the United States.—Lands in a State which, pursuant to acts of Congress for the laying and collecting of direct taxes, is sold, struck off and purchased by the United States for the amount of the tax thereon, and is afterwards sold by the United States for a larger sum, or redeemed by the former owner, is exempt from taxation by the State, while so owned by the United States; and for nonpayment of taxes assessed by the State during that time, can not be sold afterwards. (Ibid.)

Lands of United States can not be taxed without their consent.—Whether the property of the United States shall be taxed under the laws of a State depends upon the will of its owner, the United States, and no State can tax the property of the United States without their consent. (Ibid.)

Federal property.—Property, the title of which is held by the United States, for whatever purpose, is exempt from State taxation while so held. (People ex rel. McCrea *v.* The United States, etc., 93 Ill., 30.)

Levy by State of tax upon all real estate does not include that of the United States within its limits.—An act of a State legislature laying a tax on all real estate, to wit, on various sorts of real estate specified by the act, and as such shown to be private property, does not include property of any sort of the United States within its territory. (United States *v.* Weisse, Circuit Court, Eastern District, Pennsylvania. See, also, Van

Brocklin *v.* Tennessee, 117 U. S., 151.) (Whether or not a State has power to tax such property, and granting that it has, it can not enforce the tax by levy and seizure.)

Same.—The general words of a statute do not include the government or affect its rights, unless such purpose be clear and indisputable on the face of the act. (The United States *v.* Griswold, 5 Sawyer, 25.)

Effect of reservation by State of right to tax private property in territory wherein jurisdiction is ceded to the United States.—When a State, in ceding to the United States exclusive jurisdiction over a tract of land within its limits, reserves to itself the right to tax private property therein, and the United States do not dissent, the property and franchises of a railroad therein are liable to taxation by the State. (Fort Leavenworth R. R. Co. *v.* Lowe, 114 U. S. Rep., 525.)

Persons residing on military reservations exempt from State, county and town tax.—Persons residing upon military reservations are exempt from the payment of State, County and town taxes and therefore are not entitled to the benefits arising therefrom. (Vol. 6, p. 577, Opins. Attys. Genl. See 1 Metcalf, 580.)

Power of taxation by States restrained when incompatible with and repugnant to the constitutional laws of the Union.—That the power of taxation is one of vital importance; that it is restrained by the States; that it is not abridged by the grant of a similar power to the government of the Union; that it is to be concurrently exercised by the two governments; are truths which have never been denied. But, such is the paramount character of the Constitution, that its capacity to withdraw any subject from the action of even this power is admitted. The States are expressly forbidden to lay any duties on imports or exports, except what may be absolutely necessary for executing their inspection laws. If the obligation of this prohibition must be conceded—if it may restrain a State from the exercise of its taxing power on imports and exports, the same paramount character would seem to restrain, as it certainly may restrain, a State from such other exercise of this power, as is in its nature incompatible with, and repugnant to, the Constitutional laws of the Union. A law absolutely repugnant to another, as entirely repeals that other as if express terms of repeal were used. (McCullock *v.* The State of Maryland, 4 Wheat., 316, 425.)

State controlled by the Constitution of the United States in article of taxation.—The sovereignty of the State, in the article of taxation itself, is subordinate to, and may be controlled by, the Constitution of the United States. How far it has been controlled by that instrument, must be a question of construction. In making this construction, no principle not declared, can be admissible which would defeat the legitimate operations of a supreme government. It is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments, as to exempt its own operations from their own influence. This effect need not be stated in terms. It is involved in the declaration of supremacy, so necessarily implied in it, that the expression of it could not make it more certain. (Ibid.)

States can not tax the instrumentalities of the General Government.—If the States may tax one instrument employed by the government in the execution of its powers, they may tax any and every other instrument. They may tax the mail; they may tax the mint; they may tax patent rights; they may tax the papers of the custom-house; they may

tax judicial processes; they may tax all the means employed by the government, to an excess which would defeat all the ends of government. This was not intended by the American people. They did not design to make this government dependent on the States. (Ibid.)

A question of supremacy.—If the controlling power of the States be established; if their supremacy as to taxation be acknowledged; what is to restrain their exercising this control in any shape they may please to give it? Their sovereignty is not confined to taxation. That is not the only mode in which it might be displayed. The question is, in truth, a question of supremacy; and if the right of the States to tax the means employed by the general government be conceded, the declaration that the Constitution and the laws made in pursuance thereof, shall be the supreme law of the land is empty and unmeaning. (Ibid.)

General power of taxation conferred upon the General Government—Power exercised by the people of the States and by the States in Congress.—The people of all the States have created the general government, and have conferred upon it the general power of taxation. The people of all the States, and the States themselves, are represented in Congress, and, by their representatives, exercise this power. When they tax the chartered institutions of the States they tax their constituents; and these taxes must be uniform. But, when a State taxes the operations of the government of the United States, it acts upon institutions created, not by their own constituents, but by people over whom they claim no control. It acts upon the measures of a government created by others as well as themselves, for the benefit of others in common with themselves. The difference is that which always exists, and always must exist, between the action of the whole on a part and the action of a part on the whole—between the laws of a government declared to be supreme, and those of a government which, when in opposition to those laws, is not supreme. (Ibid. See also Osborn et al. *v.* The United States Bank, 9 Wheat., 738; Providence Bank *v.* Billings, 4 Pet., 514, and Weston *v.* The City Council of Charleston, 2 Pet., 449.)

Power of State does not extend to means employed by Congress to carry into execution powers conferred upon it.—All subjects over which the sovereign power of a State extends are objects of taxation; but those over which it does not extend are, upon the soundest principles, exempt from taxation. The sovereignty of a State extends to everything which exists by its own authority, or is introduced by its permission, but not to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States. The attempt to use the power of taxation on the means employed by the government of the Union in pursuance of the Constitution, is itself an abuse, because it is the usurpation of a power which the people of a single State can not give. (Weston *v.* The City Council of Charleston, 2 Pet., 449; citing McCullock *v.* The State of Maryland, 4 Wheat., 316.)

Same.—The State has no power, by taxation, or otherwise, to retard, impede, burden, or in any manner control the operation of the constitutional laws enacted by Congress, to carry into execution the powers vested in the general government. (Ibid.)

Exemption of agencies of Federal Government depends upon effect of tax—A tax upon their operations can not be upheld.—The exemption of agencies of the Federal Government from taxation by the States is dependent, not upon the nature of the agents nor upon the mode of their constitution, nor upon the fact that they are agents, but upon the effect of the tax; that is, upon the question whether the tax does in

truth deprive them of power to serve the government as they were inclined to serve it, or hinder the efficient exercise of their power. A tax upon their *property* merely, having no such necessary effect, and leaving them free to discharge the duties they have undertaken to perform, may be rightfully laid by the State. A tax upon their *operations*, being a direct obstruction to the exercise of Federal powers, may not be. (Railroad Company *v.* Peniston, 18 Wall., 5.)

When State taxation upheld.—All State taxation which does not impair the agent's efficiency in the discharge of his duties to the government has been sustained when challenged, and a tax upon his property generally has not been regarded as beyond the power of a State to impose. (Ibid.)

An incident of sovereignty—Right of legislation co-extensive with jurisdiction of State—Limitations upon that right.—Taxation is a sacred right, essential to the existence of government; an incident of sovereignty. The right of legislation is co-extensive with the incident, to attach it upon all persons and property within the jurisdiction of a State. But in our system there are limitations upon that right. There is a concurrent right of legislation in the states and the United States, except as both are restrained by the Constitution of the United States. Both are restrained by express prohibitions in the Constitution, and the states, by such as are reciprocally implied, when the exercise of the right by a state conflicts with the perfect execution of another sovereign power delegated to the United States. That occurs when taxation by a state acts upon the instruments, and emoluments, and persons which the United States may use and employ as necessary and proper means to execute their sovereign power. The government of the United States is supreme within its sphere of action. The means necessary and proper to carry into effect the powers in the Constitution are in Congress. (Dobbins *v.* Commissioners of Erie County, 16 Pet., 435.)

Law of State imposing a tax upon an office, held under the United States invalid.—The compensation of an officer of the United States is fixed by a law made by Congress. It is in its exclusive discretion to declare what shall be given. It exercises the discretion and fixes the amount; and confers upon the officer the right to receive it when it has been earned. Any law of a state imposing a tax upon the office, diminishing the recompense, is in conflict with the law of the United States which secures the allowance to the officer. (Ibid.)

Limitation upon power of State to tax—State tax laws can not restrain action of national government.—All subjects over which the sovereign power of a state extends are, as a general rule, proper objects of taxation, but the power of a state to tax does not extend to those means which are employed by Congress to carry into excution the powers conferred in the federal Constitution. (Citing McCulloch *v.* Maryland, 4 Wheat., 429). Unquestionably the taxing power of the states is very comprehensive and pervading, but it is not without limits. State tax laws can not restrain the action of the national government, nor can they abridge the operation of any law which Congress may constitutionally pass. They may extend to every object of value within the sovereignty of the state, but they can not reach the administration of justice in the Federal Courts, nor the collection of the public revenue, nor interfere with any constitutional regulation of commerce. (Citing Brown *v.* Maryland, 12 Wheat., 448; Weston et al. *v.* Charleston, 2 Pet., 467; Society for Savings *v.* Coite, 6 Wall., 595, 605.)

Officer or soldier, though not taxable officially, may be personally.—An officer or soldier of the army, though not taxable officially, may be and often is taxable personally. He is not taxable by a state for his pay, or for the arms, instruments, uniform clothing, or other property pertaining to his military office or capacity, but as to household furniture and other personal property, not military, he is (except where stationed at a place under the exclusive jurisdiction of the United States), equally subject with other residents or inhabitants to taxation under the local law. (Ibid, p. 737, par. 4.)

When post trader on military reservation liable to be taxed by civil authorities of Territory or State.—The mere fact that a post trader carries on business on a *military reservation* in a *Territory* can not, (in the absence of any provision in the organic act relieving him therefrom), affect his liability to be taxed by the civil authorities; nor can such liability be affected by the fact that he carries on business on a military reservation within a *State*, unless exclusive jurisdiction over the same has been ceded to or reserved by the United States. (Digest of Opins. J. A. Genl., p. 602, par. 8.)

Post traders may be required to take out and pay for a license under State or Territorial law—The legality of tax a question for the local courts.—It was held by Attorney-General Cushing in 1855 (7 Opins. Attys. Genl., 578), that a sutler employed at a military post could not legally be required by the authorities of a State to take out a license to enable him to make sales to officers or soldiers of the army, or to pay a tax on the articles kept by him at the post for making such sales; and this on the ground that "the supply of goods to the officers and soldiers of a post by the post sutler is one of the means authorized by Congress in the exercise of the war power intrusted to it by the Constitution." (Ibid., p. 601, par. 7.)

Legal residence.—The fact that an officer is stationed within a particular State or Territory does not make the same his legal residence, since he is there, not by his own will or choice, but in obedience to the order of a superior, and moreover can have no *animus remanendi*, subject as he is to be removed at any moment by a similar order to a station in a different State or Territory. (Citing Graham *v.* Commonwealth, 51 Pa. St., 258; Wood *v.* Fitzgerald, 3 Oreg., 568; Taylor *v.* Reading, 4 Brewst., 439, and Devlin *v.* Anderson, 38 Cal., 92.) Exceptions, however, to this general rule may exist in the cases of officers who are not subject, or likely, to have their places of habitancy changed by superior military authority. Such are the cases of the officers—the chiefs of the staff corps for instance—whose duties require them to remain, or at least have their offices, permanently in Washington; and such are also the cases of the majority of the officers on the retired list. In any such exceptional case, the question of residence, where it is at all doubtful, will, in the main, as in the cases of civilians, be determined by the evidence of an *animus manendi*, as exhibited by the acts and declarations of the party. (Digest Opins. J. A. Genl., p. 661, par. 1.)

Same.—If a legal residence in a certain State has once existed, mere temporary absence, however long-continued, as the result of an enlistment or enlistments in the army, will not destroy it. (Citing Brewer *v.* Linnaeus, 36 Me., 428.) Liability to taxation, or other liability as a *resident* of a certain locality, is not ordinarily affected by the enlisting or holding of a commission in the army and the being stationed at a place other than such locality; the party being at such place not by his own

volition, and the *animus revertendi* to the original domicile being presumed to still subsist. (Citing Jacobs, Law of Domicile, 401.) (Ibid., pp. 661, 662, par. 2.)

Fort Sheridan reservation—Not liable to be assessed for public improvements by city of Chicago.—The state of Illinois having, by a legislative act of June 6, 1887, ceded to the United States exclusive jurisdiction over the lands of the reservation of Fort Sheridan, *held* that the city authorities of Chicago were not empowered to levy on such lands assessments for the improvement of adjacent lands or for other public improvements. (Ibid., p. 738, par. 6.)

Same.—When the absolute title to property remains in the United States, no matter for what purpose it is acquired or held, it is not subject to State or Municipal taxation. (Am. and Engl. Ency. of Law, Vol. 25, p. 110, and cases cited.)

Execution of State laws.—With respect to land owned by the United States within the limits of a State, over which the State has not parted with its jurisdiction, the United States stands in the relation of a proprietor simply; and the State officers have the same right to enter upon such land, or into the buildings located there, and seize the personal property of individuals for non-payment of taxes thereon, as they have to enter upon the land or into the buildings of any other proprietor for the same purpose; such right being so exercised as not to interfere with the operations of the General Government. (Vol. 14, pp. 199, 200, Opins. Attys. Genl.)

TITLE.

Authority to purchase lands.—No land shall be purchased on account of the United States, except under a law authorizing such purchase. (Sec. 3736, U. S. Rev. Stats.)

The United States may acquire title to land when taken as security for debt.—The seventh section of the act of May 1, 1820 (3 Stat., 568), does not prevent the acquisition of the legal title to land by the United States, when taken as security for a debt by the proper officer, though not specially required or authorized by any particular act of Congress. (Neilson *v.* Lagow, 12 Howard, 98.)

The United States may receive real property as a security for debt and eventually acquire title thereby.—The United States, in their political capacity, may enter into contracts, may take a bond, and may receive real or other property as a security for a debt, in cases not previously provided for by law. This power exists as an incident to the general right of sovereignty; and the government being a body politic, may, within the sphere of the constitutional powers confided to it, and through the instrumentality of the proper department to which those powers are confided, enter into contracts not prohibited by law, and appropriate to the just exercise of those powers. It does not require legislation to empower the proper department to act in making the contract or receiving the security; the power exists as an incident to sovereignty, and may be exercised by the proper department if not forbidden by legislation. (Dikes *v.* Miller, 25 Texas Supp., 281. See Dugan *v.* The United States, 3 Wheat., 172; The United States *v.* Tingey, 5 Peter, 114; The United States *v.* Bradley, 10 Peter, 343; The United States *v.* Levin, 15 Peter, 290; Neilson *v.* Lagow, 12 Howard, 107, and The United States *v.* Lane, 3 McLean, 366.)

Reservation for public purposes.—Decision as to the quantity of land to be reserved for public use, and the places where to be located, rests in the discretion of the President, subject to such regulations as may from time to time be provided by law, either as to the particular use, the quantity, or the subsequent disposal thereof for private use. (Vol. 6, p. 156, Opins. Attys. Gen.) "The subsequent disposal thereof for private use" has been modified by acts of Congress, particularly the act approved July 5, 1884, which reads as follows:

"That whenever, in the opinion of the President of the United States, the lands, or any portion of them, included within the limits of any military reservation heretofore or hereafter declared, have become or shall become useless for military purposes, he shall cause the same or so much thereof as he may designate, to be placed under the control of the Secretary of the Interior for disposition as hereinafter provided, and shall cause to be filed with the Secretary of the Interior a notice thereof." (Act of July 5, 1884; 23 Stats., p. 103.)

Lands acquired by United States for public purposes are not public lands.—Lands acquired by the United States for public uses, by purchase with the consent of the States, or by an exercise of the right of eminent domain, are not public lands, that term applying only to "such lands as are subject to sale or other disposition under general laws." (Newhall *v.* Sanger, 92 U. S., 761; Vol. 5, p. 578, Opins. Attys. Genl.) The power over the public lands is vested in Congress by the Constitution, without limitation, and is the foundation upon which the territorial government rests. (U. S. *v.* Gratiot, 14 Pet., 526.)

Title to lands purchased—When money can be expended—Duties of officers.—No public moneys shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney-General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the Departments, upon the application of the Attorney-General, shall procure any additional evidence of title which he may deem necessary and which may not be in the possession of the Officers of the government, and the expenses of procuring it shall be paid out of the appropriations made for the contingencies of the Departments respectively. (Sec. 355, U. S. Rev. Stats.)

Examination of land titles.—Upon this subject the Hon. Caleb Cushing spoke as follows: "Morally speaking, professionally speaking, officially speaking, when the Attorney-General certifies the validity of a title he *warrants* it to the Government. He does not warrant in law, as he does a piece of his own land which he sells; but he warrants in honor and conscience. It is upon the sole faith of his warranty, regardless of the warrantors in the deed, that the government buys the land, and proceeds to expend, it may be, millions of the public treasure, in the construction of edifices for the permanent use of the United States." (Vol. 8, p. 407 Opins. Attys. Genl.)

Title to land may be acquired by the United States prior to consent of State to the purchase.—Section 355, Revised Statutes, in prohibiting the

expenditure of public money, for the purposes therein mentioned, before the consent of the State to the purchase of the land is obtained, does not preclude the mere purchase itself. The land, therefore, may legally be paid for, and the title thereto acquired, in the absence of such consent. (Citing Vol. 10, p. 39, Opins. Attys. Genl.; 15 Do., 213.) Neither the constitutional provision (Art. 1, Sec. 8, par. 17) nor the statute (Sec. 355, R. S.) precludes the United States from acquiring the title to the land. (Ibid., p. 220, par. 10.)

Direct tax sale—Evidence of title—Certificate.—A certificate signed by only two of the direct-tax commissioners appointed under the act of Congress of June 7, 1862, that land charged with the tax had been sold to the United States is admissible in evidence in an action brought to try the title to land. It is error to rule such a certificate void. The act of Congress contemplates a certificate of sale though the United States become the purchaser. (Cooley *v.* O'Conner, 12 Wall., 391.)

Effect of certificate as evidence—How affected.—Where lands have been sold for an unpaid direct tax, the tax-sale certificate is, under the act of February 6, 1863, (12 Stat., 640), *prima facie* evidence not only of a regular sale, but of all the antecedent facts which are essential to its validity and to that of the purchaser's title. It can only be affected by establishing that the lands were not subject to the tax, or that it had been paid previously to the sale, or that they have been redeemed according to the provisions of the act. The ruling in Cooley *v.* O'Conner (12 Wall., 391), that the act of Congress contemplates such a certificate when the United States is the purchaser reaffirmed. (De Treville *v.* Smalls, 98 U. S., 517.)

Certificate given by commissioner prima facie evidence of regularity of sale, etc.—The court reaffirms the doctrine in De Treville *v.* Smalls (98 U. S., 517), that the certificate given the commissioners to the purchase of lands at a sale for a direct tax, under the act of June 7, 1862, (12 Stat., 422), as amended by the act of February 6, 1863, (id., 640), is *prima facie* evidence of the regularity of the sale and of all the antecedent facts essential to its validity and to that of his title thereunder, and that it can only be affected by establishing that the lands were not subject to the tax, or that it had been paid previously to the sale, or that they had been redeemed. (Keeley *v.* Sanders, 99 U. S., 441; the rulings in above case and in De Treville *v.* Smalls reaffirmed in Sherry *v.* McKinley, 99 U. S., 496).

Sale of land for taxes the highest exercise of sovereign power—When not valid.—No sale of land for taxes, no taxes can be assessed on any property, but by virtue of the sovereign authority in whose jurisdiction it is done. If not assessed by direct act of the legislature itself, it must, to be valid, be done under authority of a law enacted by such legislature. A valid sale, therefore, for taxes, being the highest exercise of sovereign power of the States, must carry the title to the property sold, and if it does not do this, it is because the assessment is void. (Northern Pacific Railroad Company *v.* Traill County, 115 U. S., 600.)

Devise of lands to United States void in New York.—The several States of the Union possess the power to regulate the tenure of real property within their respective limits, the modes of its acquisition and transfer, the rules of its descent, and the extent to which a testamentary disposition of it may be exercised by its owners. By a Statute of New York a devise of lands in that State can only be made to natural persons and to such corporations as are created under the laws of the

State and are authorized to take by devise. A devise, therefore, of lands in that State to the government of the United States is void. (United States *v.* Fox, 98 U. S. Rep., 315.)

The right of the State of New York under the reservation in the grant of lands to the United States limited by the purposes of the grant.—Where certain land (now constituting part of the Fort Porter Military reservation at Buffalo, N. Y.) was granted to the United States under an act of the legislature of New York, dated February 28, 1842, "for military purposes, reserving a free and uninterrupted use and control in the canal commissioners of all that may be necessary for canal and harbor purposes." *Held*, That the right of the State, under the reservation in the grant, is limited by the purposes of the grant, and that the State is not entitled to use the land for any purpose, if thereby the use for the military purposes of the United States will be interfered with; yet that the State has a right to use so much of the land as may be necessary for canal and harbor purposes, when such use does not interfere with its use for the military purposes of the government. Accordingly, held, that the Secretary of War may permit the State of New York to use so much of the premises for canal purposes as will not interfere with the use thereof for military purposes. (In short, the reservation in the grant can be deemed valid only so far as it is not repugnant to the grant.) (Vol. 16, p. 592, Opins. Attys. Genl.)

Based upon compromise of question of title valid.—The deed of conveyance executed to the United States on the 25th day of October, 1854, by the City of Carondelet, of a part of the Commons of Carondelet upon which Jefferson Barracks are situated, having been based upon an equitable compromise of a long-pending and doubtful question of title, is valid. (City of St. Louis *v.* The United States, 92 U. S., 462.)

Lands can not be purchased nor accepted as a gift for, or donation to, the United States in the absence of statutory authority—The word "purchase" construed.—In the absence of statutory authority, land can not be purchased *for* the United States with any more legality than land of the United States can be sold or disposed of. By a provision of the Act of May 1, 1820, now contained in Section 3736, Revised Statutes, it is declared that "No land shall be purchased on account of the United States except under a law authorizing such purchase." *Held* that the term "purchase" was to be understood in its *legal* sense, as embracing any mode of acquiring property other than by descent (citing Vol. 7, pp. 114, 121, Opins. Attys. Genl. and Ex parte Hebard, 4 Dillon, 344); and that therefore the Secretary of War would not be empowered to accept a *gift* of land or interest in land, for any use or purpose independently of statutory authority. (Concurred in by an opinion of the Attorney-General in Vol. 16, p. 414, Opins. Attys. Genl.) And similarly *held* as to the construction of the same word ("purchase"), as employed in Section 355, Revised Statutes, and *advised* that an appropriation of public money could not legally be expended for the erection of a public building upon land *donated* to the United States, until the Attorney-General had passed the title, and the legislature of the State in which the land was situated had given its consent to the grant. (Digest Opins. J. A. Genl., pp. 267, 268, par. 5, citing Vol. 10, p. 35, and Vol. 15, p. 212, Opins. Attys. Genl. to the effect that under the implied authority contained in Sec. 1838, Rev. Stats., lands required as sites for forts, arsenals, etc, or needful public buildings, may be *purchased* (or acquired by gift) without the consent of the State, though in the absence of such consent, public money

can not, in view of the provisions of Sec. 355, legally be *expended upon the buildings.*)

Title to soil under tide water.—It is a well-settled rule of law in this court that absolute property in, and dominion and sovereignty over, the soils under the tide waters in the original States were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders. Upon the acquisition of the territory from Mexico the United States acquired the title to tide lands equally with the title to upland; but with respect to the former they hold it only in trust for the future States that might be erected out of such territory. (Knight *v.* United States Land Association, 142 U. S. Rep., 182, citing Martin *v.* Waddell, 16 Pet., 367, 410; Pollard *v.* Hogan, 3 How., 212, 229; Goodtitle *v.* Kibbe, 9 How., 471, 478; Mumford *v.* Wardwell, 6 Wall., 423, 436; and Weber *v.* Harbor Commissioners, 18 Wall., 57, 65.)

The United States hold public lands by virtue of deeds of cession and statutes, not by sovereignty. (Pollard's Lessee *v.* Hogan, 3 How., 212.)

Title to shores of navigable waters and the soil under them.—The shores of navigable waters and the soil under them were not granted by the Constitution to the United States, but reserved to the States respectively. And the new States have the same rights as the original States. (Ibid.)

Reservation.—The President may reserve from sale and set apart for public use parcels of land belonging to the United States, and may modify a reservation previously made. (Grisar *v.* McDowell, 6 Wall., p. 364.)

Validity of Executive order rests on established and recognized power in the President—Power recognized by Congress.—The validity of the Executive Order rests, not on the Statute, but on a long-established and long-recognized power in the President to withhold from sale or settlement, as he may deem proper. Congress recognized this power in the Oregon legislation which, while not granting, simply sought to restrict that already existing. When Congress creates an exception from a power, it necessarily affirms the existence of such power, and hence the well-known axiom that the exception proves the rule. Congress has recognized this power in the President by various acts, notably May 29, 1830 (4 Stat., 421), and September 4, 1841, (5 Stat., 456). The Supreme Court has adjudged the existence of the power in the President. (Wolcott *v.* Des Moines Company, 5 Wall., 681; Grisar *v.* McDowell, 8 Wall., 363; Wolsey *v.* Chapman, 101 U. S., 755; Williams *v.* Baker, 17 Wall., 144; Wilcox *v.* Jackson, 13 Pet., 498.) (Ibid.)

State can not regulate transfer of lands of United States—State's right of eminent domain does not extend over property of United States.—No State can, by her laws, regulate the mode by which the land of the United States shall pass into private right and individual property in opposition to the laws of the United States. The State of Illinois has undoubted right to dispose of its own property as it shall seem expedient; and it has the right of eminent domain,—that is, to take private property to public use, making just compensation to owner. But this right of eminent domain does not extend to the taking of the public property of the Government of the United States. Therefore, The Chicago and Rock Island Railroad Company and Railroad Bridge Com-

pany can not lawfully enter upon and use, for the purpose of a road, or for any other object, the military reservation of Rock Island, under pre tense of authority from the State of Illinois. (Vol. 6, p. 670, Opins. Attys. Genl.)

Reservation of land—When made at request of the Secretary of War equivalent to order of President.—A reservation of lands, made at the request of the Secretary of War, for purposes in his department, must be considered as made by the President of the United States within the terms of the act of Congress. (Wilcox *v.* Jackson, 13 Peters, 498.)

Land once legally appropriated, no longer part of the public lands.—Whensoever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law, or proclamation, or sale, would be construed to embrace it, or to operate upon it; although no other reservation were made of it. (Ibid.)

Question as to when title passes from United States settled by laws of United States.—Whenever the question in any court, State or Federal, is whether the title to property which had belonged to the United States has passed, that question must be resolved by the laws of the United States. But whenever the property has passed, according to those laws, then the property, like all other in the State, is subject to State legislation; so far as that legislation is consistent with the admission that the title passed and vested according to the laws of the United States. (Ibid.)

Reservation in Montana not limited to 640 acres—Limitation in act of February 14, 1853, applies to Oregon only—Power of President.—By Executive Order of August 5, 1888, 50 acres of land were added to the Fort Missoula military reservation, which was originally established with an area of 640 acres by Executive Order of February 19, 1877. The land covered by these orders was formerly within the Territory of Oregon; but under the act of March 2, 1853, chapter 90, establishing the Territory of Washington, it fell within the latter Territory; and when the Territory of Montana was created, by the act of May 26, 1864, chapter 95, it became a part of that Territory, and so remained at the time said orders were issued. By the act of February 14, 1853, chapter 69, it was provided that all reservations theretofore as well as thereafter made under the act of September 27, 1850, chapter 76, (which applies to Oregon only), should as to forts be limited to not exceeding 640 acres at any one place; and the aforesaid act of May 26, 1864, declared that all laws of the United States not locally inapplicable shall have the same force and effect within the Territory of Montana as elsewhere within the United States: *Held*, that the act of 1864 was intended to give effect in Montana only to such *general* laws of the United States as were not inapplicable to that Territory and not to legislation of a special or local character; that the limitation of 640 acres was not made operative thereby in Montana; that the President was fully empowered to make the order of August 5, 1888; and that while such order remained unrevoked the land covered thereby is not open to entry or settlement. (Vol. 19, p. 370, Opins. Attys. Genl.)

Regulations respecting evidences of titles.—The following regulations have been prepared for the convenience of those who may have occasion to draw conveyances, make abstracts, or collect evidence of title to lands in cases where it may be the duty of this office to certify con-

cerning the validity of title. A strict observance of them will greatly facilitate the examination, as well as tend to correct conclusions:

1. The deed from the vendor to the United States and their assigns must be acknowledged according to the laws of the State, District, or Territory where the land lies.

2. A plot or draft of the land should be furnished, showing the boundary lines, their courses and distances, and the adjoining owners, streets, rivers, or other waters.

3. Where the property proposed to be sold consists of more than one piece, the titles to which are derived through different persons, the dividing lines must be traced on the draft, and the separate pieces distinctly marked.

4. It is necessary to have an accurate and full abstract of the title, showing its transmission from the original source to the vendor, with each transfer noted in the proper order of time, the name of each grantor and grantee written at length, with dates showing when the several conveyances were executed, acknowledged, and recorded. This abstract must note every fact on which the validity of the title depends, whether it be proved by matter of record, by deed, or *en pais*.

5. The abstract must be verified, by being accompanied either with the original documents it refers to, or else with copies legally authenticated.

6. The title papers must all be marked with numbers corresponding to the numbers under which they are arranged in the abstract.

7. When an estate in the land has passed by devise, the will and the probate must be shown, and if the devisee is not named, proof of his identity will be required.

8. Where it has descended from an intestate ancestor to his heirs, satisfactory proof of the condition and number of the decedent's family must be given.

9. If the estate has passed by a judicial sale, or by a sale under the order of any court, or if it has been divided by proceedings in partition, the regularity of the sale or partition must be shown by a copy of the record.

10. The foreclosure of a mortgage can be shown only by an authentic copy of the proceedings had for that purpose.

11. When the wife of a grantor has not joined in a deed, some evidence must be given that he was unmarried at the time, or that his wife is since dead.

12. If the grantor be a woman, it must be shown that she was unmarried at the date of the deed from her.

13. When a deed is executed by the heirs of a person within twenty-one years after his death, evidence will be required to show that they were of full age at the time of the grant.

14. When the title has passed through a corporate body, the charter must be produced and the authority of the officer who granted away the estate must be shown.

15. When the estate has been conditional, it will be necessary to furnish clear proof that the conditions have been fulfilled or lawfully excused.

16. When the title depends on statute law, other than the public laws of the United States; upon a local law, differing from the general rule of the common law; upon a public document, or upon history, the books relied on to establish it should be accurately referred to and the page noted.

17. Presumptions arising from lapse of time will be allowed the weight given to them by the judicial tribunals of the State where the land lies. An apparent defect in an old deed need not be explained, if the possession of the property has been according to such deed for thirty years or upward.

18. A title offered to the United States will not be regarded as invalid on account of an outstanding title which has been barred by a legal limitation. But in all cases where time is relied on to extinguish an outstanding title, the party must show by clear proof, not only an adverse possession for the full period, but also that there are no persons who have rights that may be saved by exceptions to the statute.

19. Before sending the papers to this office for examination, they should be submitted to the attorney of the United States for the district in which the land lies. It will be his duty to certify an opinion on the whole title and to state particularly whether the local laws are correctly given, the papers properly authenticated, and the facts established by satisfactory proof. (Opins. Attys. Genl., Vol. 9, p. 528.)

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